

105TH CONGRESS
2D SESSION

S. 1814

To amend title 10, United States Code, to reform and reorganize the Department of Defense, to streamline its operations, to eliminate its inefficiencies, to reallocate its functions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 1998

Mr. THURMOND (for himself and Mr. LEVIN) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to reform and reorganize the Department of Defense, to streamline its operations, to eliminate its inefficiencies, to reallocate its functions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Department of Defense Reform Act of 1998”.

1 (b) TABLE OF CONTENTS.—

TITLE I—STRUCTURAL CHANGES

- Sec. 101. Repeal of the Requirement for an Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.
- Sec. 102. Change of Name from Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to Assistant Secretary of Defense for Special Operations and Humanitarian Activities.
- Sec. 103. Supervision of Defense Acquisition University Structure.
- Sec. 104. Repeal of The Requirement for a Director of Acquisition Education, Training, and Career Development.
- Sec. 105. Chancellor for Education and Professional Development.
- Sec. 106. Expansion of Authority to Expand the National Defense University and its Structure.
- Sec. 107. Repeal of Appropriations Act Limitation in the Relocation of an Organization, Unit, Activity, or Function of the Department of Defense Into or Within the National Capital Region.
- Sec. 108. Repeal of Limitation on the Management of a Department of Defense Field Operating Agency.
- Sec. 109. Provisions Reducing Personnel in Management Headquarters and Headquarters Support Activities.
- Sec. 110. Repeal of Limitation in the Reorganization of Airborne Reconnaissance Management.

TITLE II—MANAGEMENT

- Sec. 201. Elimination of Certification Requirement That Civilian Employees of the Department of Defense Have Not Been Managed by End Strengths.
- Sec. 202. Extension Through Fiscal Year 2003 of Certain Force Drawdown Transition Authorities Relating to Personnel Management and Benefits.
- Sec. 203. Use of Voluntary Separation Incentive Pay and Voluntary Early Retirement Authority to Meet Mission Requirements.

TITLE III—GOVERNMENT TRAVEL REFORM

- Sec. 301. Streamlining and Simplifying Member-Arranged Movement of Household Goods.
- Sec. 302. Governmental Travel Reform: Disposition of Defense Non-appropriated Fund Travel Service Payments When Realized Through a Joint Procurement With Appropriated Fund Travel Services.

TITLE IV—PROCUREMENT PROVISIONS

- Sec. 401. Authority for Statistical Sampling to Ensure Receipt of Goods and Services.
- Sec. 402. Authorization for Contractor Participation in Testing Defense Acquisition Programs.
- Sec. 403. Use of Negotiated Sales in the Disposal of Property.
- Sec. 404. Repeal of Contract Fee Limitations.
- Sec. 405. Clarification That the Federal Property and Administrative Services Act of 1949 Does Not Apply to Leases in BRAC Properties.

TITLE V—OPERATIONS—USE OF RESERVES

- Sec. 501. Reserve Component Preparedness for Emergencies Involving Weapons of Mass Destruction; Exclusion From End-strengths.
- Sec. 502. Active Guard and Reserve Personnel in Support of Emergency Preparedness Programs for Weapons of Mass Destruction.
- Sec. 503. Order to Active Duty of Reserve Components; Extension of Period.

TITLE VI—INTELLIGENCE PERSONNEL MANAGEMENT

- Sec. 601. Department of Defense Civilian Intelligence Personnel System Changes.
- Sec. 602. Transfer of Employees From the Defense Civilian Intelligence Personnel Systems to the Competitive Service.

TITLE VII—DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1998

- Sec. 701. Short Title and Purpose.
- Sec. 702. The Commission.
- Sec. 703. Procedure for Making Recommendations for Base Closures and Realignments.
- Sec. 704. Closure and Realignment of Military Installations.
- Sec. 705. Implementation.
- Sec. 706. Account.
- Sec. 707. Reports.
- Sec. 708. Congressional Consideration of Commission Report.
- Sec. 709. Restriction on Other Base Closure Authority.
- Sec. 710. Definitions.
- Sec. 711. Conforming Amendments.

1 **TITLE I—STRUCTURAL CHANGES**
 2 **IN THE OFFICE OF THE SEC-**
 3 **RETARY OF DEFENSE**

4 **SEC. 101. REPEAL OF THE REQUIREMENT FOR AN ASSIST-**
 5 **ANT TO THE SECRETARY OF DEFENSE FOR**
 6 **NUCLEAR AND CHEMICAL AND BIOLOGICAL**
 7 **DEFENSE PROGRAMS.**

8 (a) IN GENERAL.—Section 142 of such title 10 is re-
 9 pealed.

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 at the beginning of chapter 4 of such title 10 is amended
 12 by striking the item relating to section 142.

1 (c) CONFORMING AMENDMENT; DELETION OF
 2 NAME.—Section 5316 of title 5, United States Code, is
 3 amended by striking “Assistant to the Secretary of De-
 4 fense for Atomic Energy, Department of Defense.”.

5 (d) CONFORMING AMENDMENT; REPEAL OF RE-
 6 QUIREMENT THAT ASSISTANT TO THE SECRETARY OF
 7 DEFENSE FOR NUCLEAR, CHEMICAL AND BIOLOGICAL
 8 PROGRAM BE STAFF DIRECTOR TO THE JOINT NUCLEAR
 9 WEAPONS COUNCIL.—Section 179(c) of such title 10 is
 10 amended by striking paragraph (2) and “(1)” at the be-
 11 ginning of subsection (c).

12 **SEC. 102. CHANGE OF NAME FROM ASSISTANT SECRETARY**
 13 **OF DEFENSE FOR SPECIAL OPERATIONS AND**
 14 **NOW INTENSITY CONFLICT TO ASSISTANT**
 15 **SECRETARY OF DEFENSE FOR SPECIAL OP-**
 16 **ERATIONS AND HUMANITARIAN ACTIVITIES.**

17 Section 138(b)(4) of such title 10, is amended by
 18 striking “shall be the Assistant Secretary of Defense for
 19 Special Operations and Low Intensity Conflict” and in-
 20 serting in lieu thereof “shall be the Assistant Secretary
 21 of Defense for Special Operations and Humanitarian Ac-
 22 tivities”.

1 **SEC. 103. SUPERVISION OF DEFENSE ACQUISITION UNIVER-**
 2 **SITY STRUCTURE.**

3 Section 1702 of such title 10 is amended by adding
 4 at the end the following new sentence: “The Under Sec-
 5 retary shall establish policy and requirements for the edu-
 6 cational programs of the defense acquisition university
 7 structure established by section 1746 of this title.”.

8 **SEC. 104. REPEAL OF THE REQUIREMENT FOR A DIRECTOR**
 9 **OF ACQUISITION EDUCATION, TRAINING, AND**
 10 **CAREER DEVELOPMENT.**

11 (a) IN GENERAL.—Section 1703 of such title 10, to
 12 include the catchline for such section, is repealed.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 for subchapter I of chapter 87 of such title 10 is amended
 15 by striking the item relating to section 1703.

16 (c) CONFORMING AMENDMENT.—Section 1746(a) of
 17 such title 10 is amended by striking “, acting through the
 18 Under Secretary of Defense for Acquisition and Tech-
 19 nology,”.

20 **SEC. 105. CHANCELLOR FOR EDUCATION AND PROFES-**
 21 **SIONAL DEVELOPMENT.**

22 (a) IN GENERAL.—Chapter 81 of such title 10 is
 23 amended by adding at the end the following new section
 24 1599d:

1 **§ 1599d. Chancellor for education and professional**
 2 **development**

3 “The Secretary of Defense shall appoint, without re-
 4 gard to other laws relating to appointment, classification,
 5 or compensation, a Chancellor for Education and Profes-
 6 sional Development. Subject to the provisions of section
 7 1702 of this title with respect to the educational programs
 8 of the defense acquisition university structure, the Chan-
 9 cellor shall exercise authority, direction, and control over
 10 education and professional development programs, other
 11 than those related to professional military education and
 12 training, within the Department of Defense.”.

13 (b) CLERICAL AMENDMENT.—In the table of sections
 14 for such chapter, insert after the item relating to section
 15 1599c the following:

“1599d. Chancellor for education and professional development.”.

16 **SEC. 106. EXPANSION OF AUTHORITY TO EXPAND THE NA-**
 17 **TIONAL DEFENSE UNIVERSITY AND ITS**
 18 **STRUCTURE.**

19 Section 2165(b) of title 10, United States Code, is
 20 amended by striking “consists of the following institu-
 21 tions:” and inserting in lieu thereof “May include the fol-
 22 lowing institutions and such other educational institutions
 23 as the Secretary determines appropriate:”.

1 **SEC. 107. REPEAL OF APPROPRIATIONS ACT LIMITATION IN**
 2 **THE RELOCATION OF AN ORGANIZATION,**
 3 **UNIT, ACTIVITY, OR FUNCTION OF THE DE-**
 4 **PARTMENT OF DEFENSE INTO OR WITHIN**
 5 **THE NATIONAL CAPITAL REGION.**

6 Section 8022 of the Department of Defense Appro-
 7 priations Act, 1998 (Public Law 105–56; 111 Stat. 1233)
 8 is repealed.

9 **SEC. 108. REPEAL OF LIMITATION ON THE MANAGEMENT**
 10 **OF A DEPARTMENT OF DEFENSE FIELD OP-**
 11 **ERATING AGENCY.**

12 Section 8061 of the Department of Defense Appro-
 13 priations Act, 1998 (Public Law 105–56; 111 Stat. 1233)
 14 is repealed.

15 **SEC. 109. PROVISIONS REDUCING PERSONNEL IN MANAGE-**
 16 **MENT HEADQUARTERS AND HEADQUARTERS**
 17 **SUPPORT ACTIVITIES.**

18 (a) IN GENERAL.—Section 130a of title 10, United
 19 States Code, is repealed.

20 (b) CLERICAL AMENDMENT.—The table of sections
 21 at the beginning of chapter 3 of such title 10 is amended
 22 by striking the item relating to section 130a.

23 (c) CONFORMING AMENDMENT.—Sections 911(b) of
 24 the National Defense Authorization Act for Fiscal Year
 25 1998 (Public Law 105–85; 111 Stat. 1858–1859) is re-
 26 pealed.

1 **SEC. 110. REPEAL OF LIMITATION IN THE REORGANIZA-**
 2 **TION OF AIRBORNE RECONNAISSANCE MAN-**
 3 **AGEMENT.**

4 Section 905 of the National Defense Authorization
 5 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
 6 1855) is repealed.

7 **TITLE II—MANAGEMENT**

8 **SEC. 201. ELIMINATION OF CERTIFICATION REQUIREMENT**
 9 **THAT CIVILIAN EMPLOYEES OF THE DEPART-**
 10 **MENT OF DEFENSE HAVE NOT BEEN MAN-**
 11 **AGED BY END STRENGTHS.**

12 (a) **AUTHORIZATION ACT REQUIREMENT.**—Section
 13 129 of title 10, United States Code, is amended by strik-
 14 ing subsection (f).

15 (b) **APPROPRIATIONS ACT LIMITATION.**—Section
 16 8010 of the Department of Defense Appropriations Act,
 17 1998 (Public Law 105–56; 111 Stat. 1222) is repealed.

18 **SEC. 202. EXTENSION THROUGH FISCAL YEAR 2003 OF CER-**
 19 **TAIN FORCE DRAWDOWN TRANSITION AU-**
 20 **THORITIES RELATING TO PERSONNEL MAN-**
 21 **AGEMENT AND BENEFITS.**

22 (a) **EARLY RETIREMENT AUTHORITY FOR ACTIVE**
 23 **DUTY MEMBERS.**—Section 4403(i) of the National De-
 24 fense Authorization Act for Fiscal Year 1993 (Public Law
 25 102–484; 106 Stat. 2704) is amended by striking “Octo-

ber 1, 1999” and inserting in lieu thereof “October 1,
2003”.

(b) SPECIAL SEPARATION BENEFIT.—Section
1174a(h) of title 10, United States Code, is amended by
striking “September 30, 1999” and inserting in lieu there-
of “September 30, 2003”.

(c) VOLUNTARY SEPARATION INCENTIVE.—Section
1175(d)(3) of such title 10 is amended by striking “Sep-
tember 30, 1999” and inserting in lieu thereof “Septem-
ber 30, 2003”.

(d) SELECTIVE EARLY RETIREMENT BOARDS.—Sec-
tion 638a(a) of such title 10, is amended by striking
“nine-year period” and inserting in lieu thereof “thirteen-
year period”.

(e) REDUCTION OF TIME-IN-GRADE REQUIREMENT
FOR RETENTION OF GRADE UPON VOLUNTARY RETIRE-
MENT.—Section 1370(a)(2)(A) of such title 10, is amend-
ed by striking “nine-year period” and inserting in lieu
thereof “thirteen-year period”.

(f) REQUIRED LENGTH OF COMMISSIONED SERVICE
FOR VOLUNTARY RETIREMENT AS AN OFFICER.—

(1) ARMY.—Section 3911(b) of such title 10, is
amended by striking “nine-year period” and insert-
ing in lieu thereof “thirteen-year period”;

1 (2) NAVY.—Section 6323(a)(2) of such title 10
 2 is amended by striking “nine-year period” and in-
 3 serting in lieu thereof “thirteen-year period”; and

4 (3) AIR FORCE.—Section 8911(b) of such title
 5 10 is amended by striking “nine-year period” and
 6 inserting in lieu thereof “thirteen-year period”.

7 (g) RETIREMENT OF CERTAIN LIMITED DUTY OFFI-
 8 CERS OF THE NAVY AND MARINE CORPS.—

9 (1) RETIREMENT FOR YEARS OF SERVICE FOR
 10 LIEUTENANT COLONELS AND COMMANDERS.—Sec-
 11 tion 633 of such title 10 is amended by striking
 12 “October 1, 1999” and inserting in lieu thereof “Oc-
 13 tober 1, 2003”;

14 (2) RETIREMENT FOR YEARS OF SERVICE FOR
 15 COLONELS AND NAVY CAPTAINS.—Section 634 of
 16 such title 10 is amended by striking “October 1,
 17 1999” and inserting in lieu thereof “October 1,
 18 2003”; and

19 (3) RETIREMENT FOR CERTAIN NAVY AND MA-
 20 RINE CORPS OFFICERS.—Section 6383 of such title
 21 10 is amended—

22 (A) in subsection (a)(5) by striking out
 23 “October 1, 1999” and inserting in lieu thereof
 24 “October 1, 2003”, and

1 (B) in subsection (k) by striking out “Oc-
2 tober 1, 1999” and inserting in lieu thereof
3 “October 1, 2003.”

4 (h) TRAVEL AND TRANSPORTATION ALLOWANCES
5 AND STORAGE OF BAGGAGE AND HOUSEHOLD EFFECTS
6 FOR CERTAIN MEMBERS BEING INVOLUNTARILY SEPA-
7 RATED.—

8 (1) SELECTION OF HOME FOR TRAVEL.—Sec-
9 tion 404(c)(1)(C) of title 37, United States Code, is
10 amended by striking “nine-year period” and insert-
11 ing in lieu thereof “thirteen-year period”.

12 (2) WAIVER FOR TOTAL SERVICE AGREEMENT
13 FOR TRAVEL.—Section 404(f)(2)(B)(v) of such title
14 37 is amended by striking “nine-year period” and
15 inserting in lieu thereof “thirteen-year period”.

16 (3) TRANSPORTATION IN KIND.—Section
17 406(a)(2)(B)(v) of such title 37 is amended by strik-
18 ing “nine-year period” and inserting in lieu thereof
19 “thirteen-year period”.

20 (4) HOUSEHOLD GOODS TRANSPORTATION.—
21 Section 406(g)(1)(C) of such title 37 is amended by
22 striking “nine-year period” and inserting in lieu
23 thereof “thirteen-year period”.

24 (5) STORAGE OF HOUSEHOLD EFFECTS.—Sec-
25 tion 503(c) of the National Defense Authorization

1 Act for Fiscal Year 1991 (Public Law 101–510; 37
 2 U.S.C. 406 note) is amended by striking out “nine-
 3 year period” and inserting in lieu thereof “thirteen-
 4 year period”.

5 (i) PROGRAM OF EDUCATIONAL LEAVE RELATING TO
 6 CONTINUING PUBLIC AND COMMUNITY SERVICE.—Sec-
 7 tion 4463(f) of the National Defense Authorization Act
 8 for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C.
 9 1143a note) is amended by striking “September 30,
 10 1999” and inserting in lieu thereof “September 30,
 11 2003”.

12 (j) HEALTH, COMMISSARY, AND FAMILY HOUSING
 13 BENEFITS.—

14 (1) TRANSITIONAL HEALTH CARE.—Section
 15 1145 of such title 10 is amended—

16 (A) in paragraph (a)(1), by striking “nine-
 17 year period” and inserting in lieu thereof “thir-
 18 teen-year period”; and

19 (B) in subsection (e), by striking “five-year
 20 period” and inserting in lieu thereof “nine-year
 21 period”.

22 (2) TRANSITIONAL HEALTH CARE FOR CERTAIN
 23 SEPARATED MEMBERS NOT OTHERWISE ELIGIBLE.—
 24 Section 1145(c)(1) of such title 10 is amended by

1 striking “nine-year period” and inserting in lieu
2 thereof “thirteen-year period”.

3 (3) COMMISSARY AND EXCHANGE BENEFITS.—

4 Section 1146 of such title 10 is amended—

5 (A) by striking “nine-year period”, and in-
6 serting in lieu thereof “thirteen-year period”,
7 and

8 (B) by striking “five-year period” and in-
9 serting in lieu thereof “nine-year period”.

10 (4) USE OF MILITARY HOUSING.—Section
11 1147(a) of such title 10 is amended—

12 (A) in paragraph (1), by striking “nine-
13 year period” and inserting in lieu thereof “thir-
14 teen-year period”; and

15 (B) in paragraph (2), by striking “five-
16 year period and inserting in lieu thereof “Nine-
17 year period”.

18 (k) CONTINUED ENROLLMENT OF DEPENDENTS IN
19 DEFENSE DEPENDENTS’ EDUCATION SYSTEM.—Section
20 1407(c)(1) of the Defense Dependents’ Education Act of
21 1978 (20 U.S.C. 926(c)(1)) is amended by striking “nine-
22 year period” and inserting in lieu thereof “thirteen-year
23 period”.

24 (l) FORCE REDUCTION TRANSITION PERIOD DEFINI-
25 TION.—Section 4411 of the National Defense Authoriza-

tion Act for Fiscal Year 1993, as amended, (10 U.S.C. 12681 note) is amended by striking “September 30, 1999” and inserting in lieu thereof “September 30, 2003”.

(m) TEMPORARY SPECIAL AUTHORITY FOR FORCE REDUCTION PERIOD RETIREMENTS.—Section 4416(b)(1), of the National Defense Authorization Act for Fiscal Year 1993, as amended, (10 U.S.C. 12681 note) is amended by striking “October 1, 1999” and inserting in lieu thereof “October 1, 2003”.

(n) RETIRED PAY FOR NON-REGULAR SERVICE-AGE AND SERVICE REQUIREMENTS.—Section 12731(f) of such title 10 is amended by striking “September 30, 1999” and inserting in lieu thereof “September 30, 2003”.

(o) RETIRED PAY FOR NON-REGULAR SERVICE-AGE AND SERVICE REQUIREMENTS; TEMPORARY SPECIAL RETIREMENT QUALIFICATION AUTHORITY.—Section 12731a is amended—

(1) in subsection (a)(1)(B) by striking “October 1, 1999” and inserting in lieu thereof “October 1, 2003”; and

(2) in subsection (b) by striking “October 1, 1999” and inserting in lieu thereof “October 1, 2003”.

1 (p) REDUCTION OF TIME-IN-GRADE REQUIREMENT
2 FOR RETENTION OF GRADE UPON VOLUNTARY RETIRE-
3 MENT.—Section 1370(d) of title 10, United States Code,
4 is amended by adding at the end a new paragraph (5)
5 as follows:

6 “(5) The Secretary of Defense may authorize
7 the Secretary of a Military Department to reduce
8 the three-year period required by paragraph (3)(A)
9 to a period not less than two years in the case of
10 retirements effective during the force reduction tran-
11 sition period beginning on October 1, 1991, and end-
12 ing September 30, 2003. The number of officers in
13 an armed force in a grade for whom a reduction is
14 made during any fiscal year in the period of service-
15 in-grade otherwise required under this paragraph
16 may not exceed the number equal to two percent of
17 the authorized Reserve active status strength for
18 that fiscal year for officers of that armed force in
19 that grade.”

20 (q) AFFILIATION WITH GUARD AND RESERVE
21 UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section
22 1150(a) of such title 10 is amended by striking “nine-year
23 period” and inserting in lieu thereof “thirteen-year pe-
24 riod”.

1 (r) TIME AND USE FOR MONTGOMERY G.I. BILL EN-
 2 TITLEMENT.—Section 16133(b)(1)(B) of such title 10 is
 3 amended by striking “September 30, 1999” and inserting
 4 in lieu thereof “September 30, 2003”.

5 (s) EXTENSION OF VOLUNTARY SEPARATION INCEN-
 6 TIVE PAY AUTHORIZATION.—Section 5597(e) of title 5,
 7 United States Code, is amended by striking “September
 8 30, 2001” and inserting in lieu thereof “September 30,
 9 2003”.

10 **SEC. 203. FEDERAL EMPLOYEE VOLUNTARY EARLY RETIRE-**
 11 **MENT.**

12 (a) IN GENERAL.—Title 5, United States Code, is
 13 amended as follows:

14 (1) Section 8336 is amended by striking para-
 15 graph (2) and inserting in lieu thereof the following
 16 new paragraph (2):

17 “(2)(A) has been employed continuously by the
 18 agency for more than 30 days prior to the date on
 19 which the agency requested the determination under
 20 subparagraph (D)(I);

21 “(B) is serving under an appointment that is
 22 not time limited;

23 “(C) is not in receipt of a decision notice of in-
 24 voluntary separation for misconduct or unacceptable
 25 performance; and

1 “(D) is separated from the service voluntarily
2 during a period in which—

3 “(i) under regulations that the Office of
4 Personnel Management shall prescribe, the Of-
5 fice reviews the request of the agency and de-
6 termines that—

7 “(I) the agency (or, if applicable, the
8 component) in which the employee is serv-
9 ing is undergoing a major reorganization,
10 a major reduction in force, or a major
11 transfer of function; and

12 “(II) a significant percentage of the
13 employees serving in such agency will be
14 separated or subject to an immediate re-
15 duction in the rate of basic pay (without
16 regard to subchapter VI of chapter 53, or
17 comparable provisions); and

18 “(ii) under regulations that the Office shall
19 prescribe, the agency in which the employee is
20 serving determines that the employee is within
21 the scope of the offer of voluntary early retire-
22 ment, which may be determined on the basis
23 of—

24 “(I) one or more organizational units;

1 “(II) one or more occupational series
2 or levels;

3 “(III) one or more geographical loca-
4 tions;

5 “(IV) other similar non personnel fac-
6 tors, the Office determines appropriate; or

7 “(V) any appropriate combination of
8 such factors;”.

9 (2) Section 8414(b)(1) is amended by striking
10 subparagraph (B) and inserting in lieu thereof the
11 following new subparagraph (B):

12 “(B)(i) has been employed continuously by
13 the agency for more than 30 days prior to the
14 date on which the agency requested the deter-
15 mination under clause (iii)(I);

16 “(ii) in serving under an appointment that
17 is not time limited;

18 “(iii) is not in receipt of a decision notice
19 of involuntary separation for misconduct or un-
20 acceptable performance; and

21 “(iv) is separated from the service volun-
22 tarily during a period in which—

23 “(I) under regulations that the Office
24 of Personnel Management shall prescribe,

1 the Office reviews the request of the agen-
2 cy and determines that—

3 “(aa) the agency (or, if applica-
4 ble, the component) in which the em-
5 ployee is serving is undergoing a
6 major reorganization, a major reduc-
7 tion in force, or a major transfer of
8 function; and

9 “(bb) a significant percentage of
10 the employees serving in such agency
11 will be separated or subject to an im-
12 mediate reduction in the rate of basic
13 pay (without regard to subchapter VI
14 of chapter 53, or comparable provi-
15 sions); and

16 “(II) under regulations that the Office
17 shall prescribe, the agency in which the
18 employee is serving determines that the
19 employee is within the scope of the offer of
20 voluntary early retirement, which may be
21 determined on the basis of—

22 “(aa) one or more organizational
23 units;

24 “(bb) one or more occupational
25 series or levels;

1 “(cc) one or more geographical
2 locations;

3 “(dd) other similar non personnel
4 factors, the Office determines appro-
5 priate; or

6 “(ee) any appropriate combina-
7 tion of such factors;”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 subsection (a) of this section shall take effect on the date
10 of enactment of this Act.

11 **TITLE III—GOVERNMENT** 12 **TRAVEL REFORM**

13 **SEC. 301. STREAMLINING AND SIMPLIFYING MEMBER-AR-** 14 **RANGED MOVEMENT OF HOUSEHOLDS** 15 **GOODS.**

16 Section 406 of title 37, United States Code, is
17 amended—

18 (1) in subsection (b)(1)(A)—

19 (A) by inserting “or at the member’s re-
20 quest a monetary allowance in place of the cost
21 of transportation,” after “reimbursement there-
22 for,”;

23 (B) by inserting “This allowance shall pro-
24 vide an overall cost savings to the Government
25 and may be paid in advance of the transpor-

1 tation of household effects.” after the first sen-
2 tence; and

3 (C) by adding at the end the following:

4 “Appropriations available to the Depart-
5 ment of Defense, the Department of
6 Transportation, and the Department of
7 Health and Human Services for providing
8 transportation of household effects of
9 members of the uniformed service shall be
10 available to pay the authorized monetary
11 allowance. The Secretary concerned may
12 prescribe the manner in which liability will
13 be allocated among the member, the
14 United States, and the contractors involved
15 in the event of loss of or damage to any
16 baggage or household effects arranged by,
17 packed, crated, or loaded by the member.”;
18 and

19 (2) by striking subsection (j).

1 **SEC. 302. GOVERNMENTAL TRAVEL REFORM: DISPOSITION**
2 **OF DEFENSE NONAPPROPRIATED FUND**
3 **TRAVEL SERVICE PAYMENTS WHEN REAL-**
4 **IZED THROUGH A JOINT PROCUREMENT**
5 **WITH APPROPRIATED FUND TRAVEL SERV-**
6 **ICES.**

7 (a) IN GENERAL.—Chapter 147 of title 10, United
8 States Code, is amended by adding at the end the follow-
9 ing new section:

10 **“§ 2490b. Acquisition of travel services**

11 “(a) The Secretary of Defense may acquire official
12 and unofficial travel services under a single procurement,
13 provided that such procurement is conducted in accord-
14 ance with the requirements of chapter 137 of this title.

15 “(b) Contracts entered into pursuant to a procure-
16 ment for official and unofficial travel services under sub-
17 section (a) may provide for credits, discounts, or the pay-
18 ment of commissions or other fees based on the amount
19 of travel-related sales generated by such services. Any
20 such commissions or fees received by the Department of
21 Defense resulting from official travel-related sales shall be
22 credited to current appropriations or other funds available
23 to fund such travel. Any such commissions or fees result-
24 ing from unofficial travel-related sales shall be deposited
25 in nonappropriated fund accounts available for the De-
26 partment’s morale, welfare and recreation programs.

1 “(c) For purposes of this section:

2 “(1) The terms ‘official travel services’ and ‘of-
3 ficial travel-related sales’ refer to official travel per-
4 formed at government expense.

5 “(2) The terms ‘unofficial travel services’ and
6 ‘unofficial travel-related sales’ refer to personal
7 travel, which is not paid for or reimbursed by the
8 Government.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 147 of title 10, United States
11 Code, is amended by adding at the end the following new
12 item:

“2490b. Acquisition of travel services.”.

13 **TITLE IV—PROCUREMENT** 14 **PROVISIONS**

15 **SEC. 401. AUTHORITY FOR STATISTICAL SAMPLING TO EN-** 16 **SURE RECEIPT OF GOODS AND SERVICES.**

17 (a) IN GENERAL.—Chapter 141 of title 10, United
18 States Code, is amended by inserting after section 2405
19 the following new section 2406:

20 **“§ 2406. Statistical sampling procedures in the pay-** 21 **ment for goods and services before ver-** 22 **ification**

23 “(a) VERIFICATION AFTER PAYMENT.—Notwith-
24 standing section 3324 of title 31, in making payments for
25 goods or services, the Secretary may prescribe regulations

1 that authorize verification, after payment, of receipt and
 2 acceptance of goods and services. Any such regulations
 3 shall prescribe the use of statistical sampling procedures
 4 for verification and acceptance purposes. Such procedures
 5 shall be commensurate with risk of loss to the Govern-
 6 ment.

7 “(b) PROTECTION OF PAYMENT OFFICIALS.—Pro-
 8 vided that proper collection actions have been executed,
 9 a disbursing or certifying official, who relies on the proce-
 10 dures established pursuant to this section, is not liable for
 11 losses to the Government resulting from the payment or
 12 certification of a voucher not audited specifically because
 13 of the use of such procedures.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
 15 for such Chapter 141 is amended by inserting after the
 16 item relating to section 2405 the following:

“2406. Statistical sampling procedures in the payment for goods and services
 before verification.”.

17 **SEC. 402. AUTHORIZATION FOR CONTRACTOR PARTICIPA-**
 18 **TION IN TESTING DEFENSE ACQUISITION**
 19 **PROGRAMS.**

20 Section 2399 of title 10, United States Code, is
 21 amended—

22 (1) by amending paragraph (a)(1) to read as
 23 follows:

1 “(1) The Secretary of Defense shall provide
2 that a major system may not proceed beyond low-
3 rate initial production until initial operational test
4 and evaluation of the system is complete.”;

5 (2) in paragraph (a)(2), by striking “defense
6 acquisition program” and inserting in lieu thereof
7 “system”;

8 (3) in subsection (d)—

9 (A) by inserting “(1)” at the beginning of
10 the first sentence;

11 (B) by striking “defense acquisition pro-
12 gram” and inserting in lieu thereof “system”;

13 (C) by making the second sentence a para-
14 graph and inserting “(2)” at the beginning of
15 such new paragraph;

16 (D) in the newly designated paragraph (2),
17 by striking “the preceding sentence” and insert-
18 ing in lieu thereof “paragraph (1)”; and

19 (E) by adding at the end the following new
20 paragraphs (3) and (4):

21 “(3) The limitation in paragraph (1) does not
22 apply to the extent that the Secretary of Defense
23 has authorized, as prescribed in regulation, involve-
24 ment by persons employed by that contractor in the

1 analytic and logistic support for the operational test
2 and evaluation.

3 “(4) Exceptions authorized under paragraphs
4 (2) and (3) shall require steps to ensure the impar-
5 tiality of such employees and the integrity of the
6 testing and evaluation. In any case in which the Sec-
7 retary authorizes involvement by such employees
8 under this subsection, the Secretary shall include in
9 the test and evaluation master plan for the program
10 concerned and the operational test and evaluation
11 plan the following:

12 “(A) An identification of the specific in-
13 volvement of such employees in the operational
14 test and evaluation.

15 “(B) The steps taken to ensure the impar-
16 tiality of such employees or to ensure that such
17 employees could not affect the integrity of the
18 test and evaluation.”;

19 (4) in subsection (e)—

20 (A) by striking “development, production,
21 or testing of such system” and inserting in lieu
22 thereof “development or production”; and

23 (B) by amending paragraph (3) to read as
24 follows:

“(3) A contractor that has participated in (or is participating in) the development or production of a system for a military department or Defense Agency (or for another contractor of the Department of Defense) may not be involved (in any way) in the establishment of operational test and evaluation criteria:

“(A) for data collection;

“(B) for performance assessment; or

“(C) for evaluation activities.”.

SEC. 403. USE OF NEGOTIATED SALES IN THE DISPOSAL OF PROPERTY.

Section 203(e) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e) is amended—

(1) by revising paragraph (3) to read as follows:

“(3) Disposals and contracts for disposal may be negotiated, under regulations prescribed by the Administrator, without regard to paragraphs (1) and (2) of this subsection but subject to obtaining such competition as is feasible under the circumstances, if—

“(A) necessary in the public interest during a period of national emergency declared by the President or the Congress;

1 “(B) the public health, safety or national
2 security will thereby be promoted by a particu-
3 lar disposal of personal property;

4 “(C) public exigency will not admit of the
5 delay incident to advertising certain personal
6 property.”;

7 “(D) the nature and quantity of the per-
8 sonal property is such that disposal under para-
9 graphs (1) and (2) of this section would cause
10 such an impact on an industry or industries as
11 adversely to affect the national economy;

12 “(E) bid prices after advertising therefore
13 are not reasonable (either as to all or some part
14 of the property) or have not been independently
15 arrived at in open competition;

16 “(F) with respect to real property only, the
17 character or condition of the property or un-
18 usual circumstances make it impractical to ad-
19 vertise publicly for competitive bids and the fair
20 market value of the property and other satisfac-
21 tory terms of disposal can be obtained by nego-
22 tiation;

23 “(G) the disposal will be to States, Terri-
24 tories, possessions, political subdivisions thereof,
25 or tax-supported agencies therein, and the esti-

1 mated fair market value of the property and
 2 other satisfactory terms of disposal are obtained
 3 by negotiation;

4 “(H) with respect to personal property, the
 5 sale would be advantageous to the Government,
 6 based on either price alone or price and other
 7 factors, including the administrative cost of the
 8 sale, as appropriate; or

9 “(I) the disposal is otherwise authorized by
 10 this Act or other law.”;

11 (2) by striking clause (6)(A)(i); and

12 (3) by redesignating clauses (6)(A)(ii) through
 13 (v) as clauses (i) through (iv), respectively.

14 **SEC. 404. REPEAL OF CONTRACT FEE LIMITATIONS.**

15 (a) KINDS OF CONTRACTS.—Section 2306 of title 10,
 16 United States Code, is amended—

17 (1) by striking subsection (d); and

18 (2) by redesignating subsections (e), (f), (g),
 19 and (h) as subsections (c), (d), (e), and (f), respec-
 20 tively.

21 (b) ARCHITECTURAL AND ENGINEERING SERV-
 22 ICES.—Section 4540 of such title 10 is amended—

23 (1) by striking subsection (b); and

24 (2) by redesignating subsection (c) as sub-
 25 section (b).

1 (c) EMPLOYMENT OF OUTSIDE ARCHITECTS AND
2 ENGINEERS.—Section 7212 of such title 10 is amended—

3 (1) by striking subsection (b); and

4 (2) by striking the designator “(a)” at the be-
5 ginning of the section.

6 (d) ARCHITECTURAL AND ENGINEERING SERV-
7 ICES.—Section 9540 of such title 10 is amended—

8 (1) by striking subsection (b); and

9 (2) by redesignating subsection (c) as sub-
10 section (b).

11 **SEC. 405. CLARIFICATION THAT THE FEDERAL PROPERTY**
12 **AND ADMINISTRATIVE SERVICES ACT OF 1949**
13 **DOES NOT APPLY TO LEASES IN BRAC PROP-**
14 **ERTIES.**

15 Section 2667(f)(1) of title 10, United States Code,
16 is amended by inserting “or the Federal Property and Ad-
17 ministrative Services Act of 1949 (40 U.S.C. 471 et seq.),
18 to the extent inconsistent with this section,” after “Not-
19 withstanding subsection (a)(3)”.

1 **TITLE V—OPERATIONS—USE OF**
 2 **RESERVES**

3 **SEC. 501. RESERVE COMPONENT PREPAREDNESS FOR**
 4 **EMERGENCIES INVOLVING WEAPONS OF**
 5 **MASS DESTRUCTION; EXCLUSION FROM LIMITATIONS ON**
 6 **END-STRENGTHS AND CONTROLLED GRADES.**

8 (a) END STRENGTHS EXCLUSION.—Section 115(d)
 9 of title 10, United States Code, is amended by adding at
 10 the end the following new paragraph (8):

11 “(8) Members of reserve components on active
 12 duty and members of the National Guard on full-
 13 time National Guard duty to participate in emer-
 14 gency preparedness programs to respond to an emer-
 15 gency involving the use of a weapon of mass destruc-
 16 tion (defined in section 1402 of the Defense Against
 17 Weapons of Mass Destruction Act of 1996 (Public
 18 Law 104–201; 110 Stat. 2717; 50 U.S.C.
 19 2302(1)).”.

20 (b) OFFICER CONTROLLED GRADES.—Section 12011
 21 of title 10, United States Code, is amended by adding at
 22 the end the following new subsection (c):

23 “(c) Members of reserve components on active duty
 24 and members of the National Guard on full-time National
 25 Guard duty to participate in emergency preparedness pro-

1 grams to respond to an emergency involving the use of
 2 a weapon of mass destruction (defined in section 1402 of
 3 the Defense Against Weapons of Mass Destruction Act of
 4 1996 (Public Law 104–201; 110 Stat. 2717; 50 U.S.C.
 5 2302(1)) shall not be counted towards the annual end-
 6 strength authorized under this section.”.

7 (c) ENLISTED CONTROLLED GRADES.—Section
 8 12012 of title 10, United States Code, is amended by add-
 9 ing at the end the following new subsection (c):

10 “(c) Members of reserve components on active duty
 11 and members of the National Guard on full-time National
 12 Guard duty to participate in emergency preparedness pro-
 13 grams to respond to an emergency involving the use of
 14 a weapon of mass destruction (defined in section 1402 of
 15 the Defense Against Weapons of Mass Destruction Act of
 16 1996 (Public Law 104–201; 110 Stat. 2717; 50 U.S.C.
 17 2302(1)) shall not be counted towards the annual end-
 18 strength authorized under this section.”.

19 **SEC. 502. ACTIVE GUARD AND RESERVE PERSONNEL IN**
 20 **SUPPORT OF EMERGENCY PREPAREDNESS**
 21 **PROGRAMS FOR WEAPONS OF MASS DE-**
 22 **STRUCTION.**

23 Section 12310 of title 10, United States Code, is
 24 amended by adding at the end the following:

1 “(c) Notwithstanding the definition of active guard
2 and reserve duty in section 101(d)(6)(A) of this title, a
3 member of a reserve component on active duty as de-
4 scribed in subsection (a), or a member of the National
5 Guard serving on full-time National Guard duty under
6 section 502(f) of title 32, United States Code, for duty
7 like that described in subsection (a) may perform any du-
8 ties in support of emergency preparedness programs to
9 prepare for or to respond to any emergency involving the
10 use of a weapon of mass destruction (defined in section
11 1402 of the Defense Against Weapons of Mass Destruc-
12 tion Act of 1996 (Public Law 104–201; 110 Stat. 2717;
13 50 U.S.C. 2302(1)). The costs of pay, allowances, cloth-
14 ing, subsistence, gratuities, travel, and related expenses
15 for a member performing such duties shall be paid from
16 the same appropriation available to pay such costs for
17 other members performing duties under subsection (a).”.

18 **SEC. 503. ORDER TO ACTIVE DUTY OF RESERVE COMPO-**
19 **NENTS; EXTENSION OF PERIOD.**

20 Section 12301(b) of title 10, United States Code, is
21 amended by inserting “, except that a unit or member may
22 also be ordered to active duty under this section for an
23 additional 15 days a year provided such duty is for the
24 purpose of assisting in responding to an emergency involv-
25 ing a weapon of mass destruction as defined in section

1 1402 of the Defense Against Weapons of Mass Destruc-
 2 tion Act of 1996 (Public Law 104–201; 110 Stat. 2717;
 3 50 U.S.C. 2302(1))” after “15 days a year”.

4 **TITLE VI—INTELLIGENCE** 5 **PERSONNEL MANAGEMENT**

6 **SEC. 601. DEPARTMENT OF DEFENSE CIVILIAN INTEL-** 7 **LIGENCE PERSONNEL SYSTEM CHANGES.**

8 (a) **AUTHORITY FOR DOD INTELLIGENCE POSI-**
 9 **TIONS.**—Section 1601(a)(1) of such title 10 is amended
 10 to read as follows:

11 “(1) establish, as positions in the excepted serv-
 12 ice, such defense intelligence positions in the Depart-
 13 ment of Defense as the Secretary of Defense deter-
 14 mines necessary to carry out the intelligence func-
 15 tions of the Department including—

16 “(A) Intelligence Senior Level positions
 17 designated under section 1607 of this title; and

18 “(B) positions in the Defense Intelligence
 19 Senior Executive Service;”.

20 (b) **CONFORMING DEFINITION FOR DEFENSE INTEL-**
 21 **LIGENCE POSITION.**—Subsection 1614 of such title 10 is
 22 amended to read as follows:

23 “(1) The term ‘defense intelligence position’
 24 means a civilian position as an intelligence officer or

1 intelligence employee of the Department of De-
 2 fense.”.

3 **SEC. 602. TRANSFER OF EMPLOYEES FROM THE DEFENSE**
 4 **CIVILIAN INTELLIGENCE PERSONNEL SYS-**
 5 **TEM TO THE COMPETITIVE SERVICE.**

6 Section 1601 of title 10, United States Code, is
 7 amended—

8 (1) by redesignating subsection (b) as sub-
 9 section (c), and

10 (2) by inserting after subsection (a) the follow-
 11 ing new subsection (b):

12 “(b) RELATIONSHIP TO TITLE 5 SERVICE.—(1) The
 13 Secretary, upon disestablishing a defense intelligence posi-
 14 tion established for at least one year under subsection (a),
 15 may reestablish that position as a position under title 5
 16 in the competitive service, excepted service, or Senior Ex-
 17 ecutive Service, as appropriate.

18 “(2) If a position established under subsection (a) is
 19 reestablished by the Secretary as a position under title 5,
 20 the incumbent of such position may be transferred non-
 21 competitively without a break in service or loss of pay or
 22 rank into a competitive service, excepted service, or Senior
 23 Executive Service position, as appropriate.

24 “(3) In the case of a position reestablished under
 25 paragraph (1) in the competitive service, the incumbent’s

1 service in such defense intelligence position established
 2 under this title shall be treated as creditable service for
 3 purposes of determining the career status of the incum-
 4 bent, as if the incumbent had served in a competitive serv-
 5 ice position.”; and

6 (3) in subsection (c), as redesignated by this section,
 7 by striking “under subsection (a)” and inserting in lieu
 8 thereof “under this section”.

9 **TITLE VII—DEFENSE BASE CLO-**
 10 **SURE AND REALIGNMENT**
 11 **ACT OF 1998**

12 **SEC. 701. SHORT TITLE AND PURPOSE.**

13 (a) SHORT TITLE.—This part may be cited as the
 14 “Defense Base Closure and Realignment Act of 1998”.

15 (b) PURPOSE.—The purpose of this part is to provide
 16 a fair process that will result in the timely closure and
 17 realignment of military installations inside the United
 18 States.

19 **SEC. 702. THE COMMISSION.**

20 (a) ESTABLISHMENT.—There is established an inde-
 21 pendent commission to be known as the “Defense Base
 22 Closure and Realignment Commission”.

23 (b) DUTIES.—The Commission shall carry out the
 24 duties specified for it in this part.

1 (c) APPOINTMENT.—(1)(A) The Commission shall be
2 composed of eight members appointed by the President,
3 by and with the advice and consent of the Senate.

4 (B) The President shall transmit to the Senate the
5 nominations for appointment to the Commission—

6 (i) by no later than March 15, 2001, in the case
7 of members of the Commission whose terms will ex-
8 pire at the end of the first session of the 107th Con-
9 gress; and

10 (ii) by no later than March 15, 2005, in the
11 case of members of the Commission whose terms will
12 expire at the end of the first session of the 109th
13 Congress;

14 (C) If the President does not transmit to Congress
15 the nominations for appointment to the Commission on
16 or before the date specified for 2005 in clause (ii) of sub-
17 paragraph (B), the process by which military installations
18 may be selected for closure or realignment under this part
19 with respect to that year shall be terminated.

20 (2) In selecting individuals for nominations for ap-
21 pointments to the Commission, the President should con-
22 sult with—

23 (A) the Speaker of the House of Representa-
24 tives concerning the appointment of two members;

1 (B) the majority leader of the Senate concern-
2 ing the appointment of two members;

3 (C) the minority leader of the House of Rep-
4 resentatives concerning the appointment of one
5 member; and

6 (D) the minority leader of the Senate concern-
7 ing the appointment of one member.

8 (3) At the time the President nominates individuals
9 for appointment to the Commission for each session of
10 Congress referred to in paragraph (1)(B), the President
11 shall designate one such individual who shall serve as
12 Chairman of the Commission.

13 (d) TERMS.—(1) Except as provided in paragraph
14 (2), each member of the Commission shall serve until the
15 adjournment of Congress sine die for the session during
16 which the member was appointed to the Commission.

17 (2) The Chairman of the Commission shall serve until
18 the confirmation of a successor.

19 (e) MEETINGS.—(1) The Commission shall meet only
20 during calendar years 2001 and 2005.

21 (2)(A) Each meeting of the Commission, other than
22 meetings in which classified information is to be discussed,
23 shall be open to public. The Commission shall provide an
24 opportunity for the public to comment, and shall consider
25 any such comments.

1 (B) All the proceedings, information, and delibera-
2 tions of the Commission shall be open, upon request, to
3 the following:

4 (i) The Chairman and the ranking minority
5 party member of the Subcommittee on Readiness of
6 the Senate Committee on Armed Services, or such
7 other members of the Subcommittee designated by
8 such Chairman or ranking minority party member.

9 (ii) The Chairman and the ranking minority
10 party member of the Subcommittee on Military In-
11 stallations and Facilities of the Committee on Na-
12 tional Security of the House of Representatives, or
13 such other members of the Subcommittee designated
14 by such Chairman or ranking minority party mem-
15 ber.

16 (iii) The Chairmen and ranking minority party
17 members of the Subcommittees on Military Con-
18 struction of the Committees on Appropriations of
19 the Senate and of the House of Representatives, or
20 such other members of the Subcommittees des-
21 ignated by such Chairmen or ranking minority party
22 members.

23 (f) VACANCIES.—A vacancy in the commission shall
24 be filled in the same manner as the original appointment,
25 but the individual appointed to fill the vacancy shall serve

1 only for the unexpired portion of the term for which the
2 individual's predecessor was appointed.

3 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each
4 member, other than the Chairman, shall be paid at a rate
5 equal to the daily equivalent of the minimum annual rate
6 of basic pay payable for level IV of the Executive Schedule
7 under section 5315 of title 5, United States Code, for each
8 day (including travel time) during which the member is
9 engaged in the actual performance of duties vested in the
10 Commission.

11 (B) The Chairman shall be paid for each day referred
12 to in subparagraph (A) at a rate equal to the daily equivalent
13 of the minimum annual rate of basic pay payable for
14 level III of the Executive Schedule under section 5314,
15 of title 5, United States Code.

16 (2) Members shall receive travel expenses, including
17 per diem in lieu of subsistence, in accordance with sections
18 5702 and 5703 of title 5, United States Code.

19 (h) DIRECTOR OF STAFF.—(1) The Commission
20 shall, without regard to section 5311(b) of title 5, United
21 States Code, appoint a Director who has not served on
22 active duty in the Armed Forces or as a civilian employee
23 of the Department of Defense during the one-year period
24 preceding the date of such appointment.

1 (2) The Director shall be paid at the rate of basic
2 pay payable for level IV of the Executive Schedule under
3 section 5315 of title 5, United States Code.

4 (i) STAFF.—(1) Subject to paragraphs (2) and (3),
5 the Director, with the approval of the Commission, may
6 appoint and fix the pay of additional personnel.

7 (2) The Director may make such appointments with-
8 out regard to the provisions of title 5, United States Code,
9 governing appointments in the competitive service, and
10 any personnel so appointed may be paid without regard
11 to the provisions of chapter 51 and subchapter III of chap-
12 ter 53 of that title relating to classification and General
13 Schedule pay rates, except that an individual so appointed
14 may not receive pay in excess of the annual rate of basic
15 pay payable for senior-level positions of the civil service
16 as described in section 5376 of title 5, United States Code.

17 (3)(A) Not more than one-third of the personnel em-
18 ployed by or detailed to the Commission may be on detail
19 from the Department of Defense.

20 (B)(i) Not more than one-fifth of the professional an-
21 alysts of the Commission staff may be persons detailed
22 from the Department of Defense to the Commission.

23 (ii) No person detailed from the Department of De-
24 fense to the Commission may be assigned as the lead pro-

1 fessional analyst with respect to a military department or
2 defense agency.

3 (C) A person may not be detailed from the Depart-
4 ment of Defense to the Commission if, within 12 months
5 before the detail is to begin, that person participated per-
6 sonally and substantially in any matter within the Depart-
7 ment of Defense concerning the preparation of rec-
8 ommendations for closures or realignments of military in-
9 stallations.

10 (D) No member of the Armed Forces, and no officer
11 or employee of the Department of Defense, may—

12 (i) prepare any report concerning the effective-
13 ness, fitness, or efficiency of the performance on the
14 staff of the Commission of any person detailed from
15 the Department of Defense to that staff;

16 (ii) review the preparation of such a report; or

17 (iii) approve or disapprove such a report.

18 (4) Upon request of the Director, the head of any
19 Federal department or agency may detail any of the per-
20 sonnel of that department or agency to the Commission
21 to assist the Commission in carrying out its duties under
22 this part.

23 (5) The Comptroller General of the United States
24 shall provide assistance, including the detailing of employ-

ees, to the Commission in accordance with an agreement entered into with the Commission.

(6) The following restrictions relating to the personnel of the Commission shall apply during 2002 through 2004:

(A) There may not be more than 15 persons on the staff at any one time.

(B) The staff may perform only such functions as are necessary to prepare for the transition to new membership on the Commission in the following year.

(C) No member of the Armed Forces and no employee of the Department of Defense may serve on the staff.

(j) OTHER AUTHORITY.—(1) The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) The Commission may lease space and acquire personal property to the extent funds are available.

(k) FUNDING.—(1) There are authorized to be appropriated to the Commission such funds as are necessary to carry out its duties under this part. Such funds shall remain available until expended.

1 (2) If no funds are appropriated to the Commission
2 by the 105th Congress, the Secretary of Defense may
3 transfer to the Commission funds from the Department
4 of Defense Base Closure Account established by section
5 2906 of Public Law 101–510. Such funds shall remain
6 available until expended.

7 (l) TERMINATION.—The Commission shall terminate
8 on December 31, 2005.

9 (m) PROHIBITION AGAINST RESTRICTING COMMU-
10 NICATIONS.—Section 1034 of title 10, United States
11 Code, shall apply with respect to communications with the
12 Commission.

13 **SEC. 703. PROCEDURE FOR MAKING RECOMMENDATIONS**
14 **FOR BASE CLOSURES AND REALIGNMENTS.**

15 (a) FORCE-STRUCTURE PLAN.—(1) As part of the
16 budget justification documents submitted to Congress in
17 support of the budget for the Department of Defense for
18 each of the fiscal years 2002 and 2006, the Secretary shall
19 include a force-structure plan for each military depart-
20 ment based on an assessment by the Secretary of the prob-
21 able threats to the national security during the six-year
22 period beginning with the fiscal year for which the budget
23 request is made and of the anticipated levels of funding
24 that will be available for national defense purposes during
25 such period.

1 (2) Such plan shall include, without any reference (di-
2 rectly or indirectly) to military installations inside the
3 United States that may be closed or realigned under such
4 plan—

5 (A) a description of the assessment referred to
6 in paragraph (1);

7 (B) a description (i) of the anticipated force
8 structure during and at the end of such period for
9 each military department (with specifications of the
10 number and type of units in the active and reserve
11 forces of each such department), and (ii) of the
12 units that will need to be forward based (with a jus-
13 tification thereof) during and at the end of each
14 such period; and

15 (C) a description of the anticipated implementa-
16 tion of such force-structure plan.

17 (3) The Secretary shall also transmit a copy of each
18 such force-structure plan to the Commission.

19 (b) SELECTION CRITERIA.—(1) The Secretary shall,
20 by no later than February 29, 2000, publish in the Fed-
21 eral Register and transmit to the congressional defense
22 committees the criteria proposed to be used by the Depart-
23 ment of Defense in making recommendations for the clo-
24 sure or realignment of military installations inside the
25 United States under this part. The Secretary shall provide

1 an opportunity for public comment on the proposed cri-
2 teria for a period of at least 30 days and shall include
3 notice of that opportunity in the publication required
4 under the preceding sentence.

5 (2)(A) The Secretary shall, by no later than April 14,
6 2000, publish in the Federal Register and transmit to the
7 congressional defense committees the final criteria to be
8 used in making recommendations for the closure or re-
9 alignment of military installations inside the United States
10 under this part. Except as provided in subparagraph (B),
11 such criteria shall be the final criteria to be used, making
12 such recommendations unless disapproved by a joint reso-
13 lution of Congress enacted on or before May 31, 2000.

14 (B) The Secretary may amend such criteria, but such
15 amendments may not become effective until they have
16 been published in the Federal Register, opened to public
17 comment for at least 30 days, and then transmitted to
18 the congressional defense committees in final form by no
19 later than January 15 of the year concerned. Such amend-
20 ed criteria shall be the final criteria to be used, along with
21 the force-structure plan referred to in subsection (a), in
22 making such recommendations unless disapproved by a
23 joint resolution of Congress enacted on or before February
24 15 of the year concerned.

1 (c) SECRETARY OF DEFENSE RECOMMENDATIONS.—

2 (1) The Secretary may, by no later than May 15, 2001,
3 and May 16, 2005, publish in the Federal Register and
4 transmit to the congressional defense committees and to
5 the Commission a list of the military installations inside
6 the United States that the Secretary recommends for clo-
7 sure or realignment on the basis of the force-structure
8 plan and the final criteria referred to in subsection (b)
9 that are applicable to the year concerned.

10 (2) The Secretary shall include, with the list of rec-
11 ommendations published and transmitted pursuant to
12 paragraph (1), a summary of the selection process that
13 resulted in the recommendation for each installation, in-
14 cluding a justification for each recommendation and an
15 evaluation discussing each of the final selection criteria es-
16 tablished pursuant to section 703(b). The Secretary shall
17 transmit the matters referred to in the preceding sentence
18 not later than 7 days after the date of the transmittal
19 to the congressional defense committees and the Commis-
20 sion of the list referred to in paragraph (1).

21 (3)(A) In considering military installations for clo-
22 sure or realignment, the Secretary shall consider all mili-
23 tary installations inside the United States equally without
24 regard to whether the installation has been previously con-

1 sidered or proposed for closure or realignment by the De-
2 partment.

3 (B) In considering military installations for closure
4 or realignment, the Secretary may not take into account
5 for any purpose any advance conversion planning under-
6 taken by an affected community with respect to the antici-
7 pated closure or realignment of an installation.

8 (C) For purposes of subparagraph (B), in the case
9 of a community anticipating the economic effects of a clo-
10 sure or realignment of a military installation, advance con-
11 version planning—

12 (i) shall include community adjustment and eco-
13 nomic diversification planning undertaken by the
14 community before an anticipated selection of a mili-
15 tary installation in or near the community for clo-
16 sure or realignment; and

17 (ii) may include the development of contingency
18 redevelopment plans, plans for economic develop-
19 ment and diversification, and plans for the joint use
20 (including civilian and military use, public and pri-
21 vate use, civilian dual use, and civilian shared use)
22 of the property or facilities of the installation after
23 the anticipated closure or realignment.

24 (4) In addition to making all information used by the
25 Secretary to prepare the recommendations under this sub-

1 section available to Congress (including any committee or
2 member of Congress), the Secretary shall also make such
3 information available to the Commission and the Comp-
4 troller General of the United States.

5 (5)(A) Each person referred to in subparagraph (B),
6 when submitting information to the Secretary of Defense
7 or the Commission concerning the closure or realignment
8 of a military installation, shall certify that such informa-
9 tion is accurate and complete to the best of that person's
10 knowledge and belief.

11 (B) Subparagraph (A) applies to the following per-
12 sons:

13 (i) The Secretaries of the military departments.

14 (ii) The heads of the Defense Agencies.

15 (iii) Each person who is in a position the duties
16 of which include personal and substantial involve-
17 ment in the preparation and submission of informa-
18 tion and recommendations concerning the closure or
19 realignment of military installations, as designated
20 in regulations which the Secretary of Defense shall
21 prescribe, regulations which the Secretary of each
22 military department shall prescribe for personnel
23 within that military department, or regulations
24 which the head of each Defense Agency shall pre-
25 scribe for personnel within that Defense Agency.

1 (6) Any information provided to the Commission by
2 a person described in paragraph (5)(B) shall also be sub-
3 mitted to the Senate and the House of Representatives
4 to be made available to the Members of the House con-
5 cerned in accordance with the rules of that House. The
6 information shall be submitted to the Senate and House
7 of Representatives within 48 hours after the submission
8 of the information to the Commission.

9 (d) REVIEW AND RECOMMENDATIONS BY THE COM-
10 MISSION.—(1) After receiving the recommendations from
11 the Secretary pursuant to subsection (c) for any year, the
12 Commission shall conduct public hearings on the rec-
13 ommendations. All testimony before the Commission at a
14 public hearing conducted under this paragraph shall be
15 presented under oath.

16 (2)(A) The Commission shall, by no later than Sep-
17 tember 6 of each year in which the Secretary transmits
18 recommendations to it pursuant to subsection (c), trans-
19 mit to the President a report containing the Commission's
20 findings and conclusions based on a review and analysis
21 of the recommendations made by the Secretary, together
22 with the Commission's recommendations for closures and
23 realignments of military installations inside the United
24 States.

1 (B) Subject to subparagraph (C), in making its rec-
2 ommendations, the Commission may make changes in any
3 of the recommendations made by the Secretary if the
4 Commission determines that the Secretary deviated sub-
5 stantially from the force-structure plan and final criteria
6 referred to in subsection (c)(1) in making recommenda-
7 tions.

8 (C) In the case of a change described in subpara-
9 graph (D) in the recommendations made by the Secretary,
10 the Commission may make the change only if the Commis-
11 sion—

12 (i) makes the determination required by sub-
13 paragraph (B);

14 (ii) determines that the change is consistent
15 with the force-structure plan and final criteria re-
16 ferred to in subsection (c)(1);

17 (iii) publishes a notice of the proposed change
18 in the Federal Register not less than 45 days before
19 transmitting its recommendations to the President
20 pursuant to paragraph (2); and

21 (iv) conducts public hearings on the proposed
22 change.

23 (D) Subparagraph (C) shall apply to a change by the
24 Commission in the Secretary's recommendations that
25 would—

1 (i) add a military installation to the list of mili-
2 tary installations recommended by the Secretary for
3 closure;

4 (ii) add a military installation to the list of mili-
5 tary installations recommended by the Secretary for
6 realignment; or

7 (iii) increase the extent of a realignment of a
8 particular military installation recommended by the
9 Secretary.

10 (E) In making recommendations under this para-
11 graph, the Commission may not take into account for any
12 purpose any advance conversion planning undertaken by
13 an affected community with respect to the anticipated clo-
14 sure or realignment of a military installation.

15 (3) The Commission shall explain and justify in its
16 report submitted to the President pursuant to paragraph
17 (2) any recommendations made by the Commission that
18 is different from the recommendations made by the Sec-
19 retary pursuant to subsection (c). The Commission shall
20 transmit a copy of such report to the congressional defense
21 committees on the same date on which it transmits its rec-
22 ommendations to the President under paragraph (2).

23 (4) After September 6 of each year in which the Com-
24 mission transmits recommendations to the President
25 under this subsection: the Commission shall promptly pro-

1 vide, upon request, to any Member of Congress informa-
2 tion used by the Commission in making its recommenda-
3 tions.

4 (5) The Comptroller General of the United States
5 shall—

6 (A) assist the Commission, to the extent re-
7 quested, in the Commission's review and analysis of
8 the recommendations made by the Secretary pursu-
9 ant to subsection (C); and

10 (B) by no later than June 15 of each year in
11 which the Secretary makes such recommendations,
12 transmit to the Congress and to the Commission a
13 report containing a detailed analysis of the Sec-
14 retary's recommendations and selection process.

15 (e) REVIEW BY THE PRESIDENT.—(1) The President
16 shall, by no later than September 21 of each year in which
17 the Commission makes recommendations under subsection
18 (d), transmit to the Commission and to the Congress a
19 report containing the President's approval or disapproval
20 of the Commission's recommendations.

21 (2) If the President approves all the recommenda-
22 tions of the Commission, the President shall transmit a
23 copy of such recommendations to the Congress, together
24 with a certification of such approval.

1 (3) If the President disapproves the recommendations
2 of the Commission, in whole or in part, the President shall
3 transmit to the Commission and the Congress the reasons
4 for that disapproval. The Commission shall then transmit
5 to the President, by no later than October 24 of the year
6 concerned, a revised list of recommendations for the clo-
7 sure and realignment of military installations.

8 (4) If the President approves all of the revised rec-
9 ommendations of the Commission transmitted to the
10 President under paragraph (3), the President shall trans-
11 mit a copy of such revised recommendations to the Con-
12 gress, together with a certification of such approval.

13 (5) If the President does not transmit to the Con-
14 gress an approval and certification described in paragraph
15 (2) or (4) by November 7 of any year in which the Com-
16 mission has transmitted recommendations to the Presi-
17 dent under this part, the process by which military instal-
18 lations may be selected for closure or realignment under
19 this part with respect to that year shall be terminated.

20 **SEC. 704. CLOSURE AND REALIGNMENT OF MILITARY IN-**
21 **STALLATIONS.**

22 (a) IN GENERAL.—Subject to subsection (b), the Sec-
23 retary shall—

24 (1) close all military installations recommended
25 for closure by the Commission in each report trans-

1 mitted to the Congress by the President pursuant to
2 section 703(e);

3 (2) realign all military installations rec-
4 ommended for realignment by such Commission in
5 each such report;

6 (3) initiate all such closures and realignments
7 no later than two years after the date on which the
8 President transmits a report to the Congress pursu-
9 ant to section 703(e) containing the recommenda-
10 tions for such closures or realignments; and

11 (4) complete all such closures and realignments
12 no later than the end of the six-year period begin-
13 ning on the date on which the President transmits
14 the report pursuant to section 703(e) containing the
15 recommendations for such closures or realignments.

16 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Sec-
17 retary may not carry out any closure or realignment rec-
18 ommended by the Commission in a report transmitted
19 from the President pursuant to section 703(e) if a joint
20 resolution is enacted, in accordance with the provisions of
21 section 708, disapproving such recommendations of the
22 Commission before the earlier of—

23 (A) the end of the 45-day period beginning on
24 the date on which the President transmits such re-
25 port; or

1 (B) the adjournment of Congress sine die for
2 the session during which such report is transmitted.

3 (2) For purposes of paragraph (1) of this subsection
4 and subsections (a) and (c) of section 708, the days on
5 which either House of Congress is not in session because
6 of adjournment of more than three days to a day certain
7 shall be excluded in the computation of a period.

8 **SEC. 705. IMPLEMENTATION**

9 (a) IN GENERAL.—(1) In closing or realigning any
10 military installation under this part, the Secretary may—

11 (A) take such actions as may be necessary to
12 close or realign any military installation, including
13 the acquisition of such land, the construction of such
14 replacement facilities, the performance of such ac-
15 tivities, and the conduct of such advance planning
16 and design as may be required to transfer functions
17 from a military installation being closed or realigned
18 to another military installation, and may use for
19 such purpose funds in the Account or funds appro-
20 priated to the Department of Defense for use in
21 planning and design, minor construction, or oper-
22 ation and maintenance;

23 (B) provide—

1 (i) economic adjustment assistance to any
2 community located near a military installation
3 being closed or realigned, and

4 (ii) community planning assistance to any
5 community located near a military installation
6 to which functions will be transferred as a re-
7 sult of the closure or realignment of a military
8 installation,

9 if the Secretary of Defense determines that the fi-
10 nancial resources available to the community (by
11 grant or otherwise) for such purposes are inad-
12 equate, and may use for such purposes funds in the
13 Account or funds appropriated to the Department of
14 Defense for economic adjustment assistance or com-
15 munity planning assistance;

16 (C) carry out activities for the purposes of envi-
17 ronmental restoration and mitigation at any such in-
18 stallation, and shall use for such purposes funds in
19 the Account.

20 (D) provide outplacement assistance to civilian
21 employees employed by the Department of Defense
22 at military installations being closed or realigned,
23 and may use for such purpose funds in the Account
24 or funds appropriated to the Department of Defense
25 for outplacement assistance to employees; and

1 (E) reimburse other Federal agencies for ac-
2 tions performed at the request of the Secretary with
3 respect to any such closure or realignment, and may
4 use for such purpose funds in the Account or funds
5 appropriated to the Department of Defense and
6 available for such purpose.

7 (2) In carrying out any closure or realignment under
8 this part, the Secretary shall ensure that environmental
9 restoration of any property made excess to the needs of
10 the Department of Defense as a result of such closure or
11 realignment be carried out as soon as possible with funds
12 available for such purpose.

13 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

14 (1) The Administrator of General Services shall delegate
15 to the Secretary of Defense, with respect to excess and
16 surplus real property, facilities, and personal property lo-
17 cated at a military installation closed or realigned under
18 this part—

19 (A) the authority of the Administrator to utilize
20 excess property under section 202 of the Federal
21 Property and Administrative Services Act of 1949
22 (40 U.S.C. 483);

23 (B) the authority of the Administrator to dis-
24 pose of surplus property under section 203 of that
25 Act (40 U.S.C. 484);

1 (C) the authority to dispose of surplus property
2 for public airports under sections 47151 through
3 47153 of title 49, United States Code; and

4 (D) the authority of the Administrator to deter-
5 mine the availability of excess or surplus real prop-
6 erty for wildlife conservation purposes in accordance
7 with the Act of May 19, 1948 (16 U.S.C. 667b).

8 (2)(A) Subject to subparagraph (B) and paragraphs
9 (3), (4), (5), and (6), the Secretary of Defense shall exer-
10 cise the authority delegated to the Secretary pursuant to
11 paragraph (1) in accordance with—

12 (i) all regulations governing the utilization of
13 excess property and the disposal of surplus property
14 under the Federal Property and Administrative
15 Services Act of 1949; and

16 (ii) all regulations governing the conveyance
17 and disposal of property under section 13(g) of the
18 Surplus Property Act of 1944 (50 U.S.C. App.
19 1622(g)).

20 (B) The Secretary may, with the concurrence of the
21 Administrator of General Services—

22 (i) prescribe general policies and methods for
23 utilizing excess property and disposal of surplus
24 property pursuant to the authority delegated under
25 paragraph (1); and

1 (ii) issue regulations relating to such policies
2 and methods, which shall supersede the regulations
3 referred to in subparagraph (A) with respect to that
4 authority.

5 (C) The Secretary of Defense may transfer real prop-
6 erty or facilities located at a military installation to be
7 closed or realigned under this part, with or without reim-
8 bursement, to a military department or other entity (in-
9 cluding a nonappropriated fund instrumentality) within
10 the Department of Defense or the Coast Guard.

11 (D) Before any action may be taken with respect to
12 the disposal of any surplus real property or facility located
13 at any military installation to be closed or realigned under
14 this part, the Secretary of Defense shall consult with the
15 Governor of the State and the heads of the local govern-
16 ments concerned for the purpose of considering any plan
17 for the use of such property by the local community con-
18 cerned.

19 (3)(A) Not later than 6 months after the date of ap-
20 proval of the closure or realignment of a military installa-
21 tion under this part, the Secretary, in consultation with
22 the redevelopment authority with respect to the installa-
23 tion, shall—

24 (i) inventory the personal property located at
25 the installation; and

1 (ii) identify the items (or categories of items) of
2 such personal property that the Secretary deter-
3 mines to be related to real property and anticipates
4 will support the implementation of the redevelop-
5 ment plan with respect to the installation.

6 (B) If no redevelopment authority referred to in sub-
7 paragraph (A) exists with respect to an installation, the
8 Secretary shall consult with—

9 (i) the local government in whose jurisdiction
10 the installation is wholly located; or

11 (ii) a local government agency or State govern-
12 ment agency designated for the purpose of such con-
13 sultation by the chief executive officer of the State
14 in which the installation is located.

15 (C)(i) Except as provided in subparagraphs (E) and
16 (F), the Secretary may not carry out any of the activities
17 referred to in clause (ii) with respect to an installation
18 referred to in that clause until the earlier of—

19 (I) one week after the date on which the rede-
20 velopment plan for the installation is submitted to
21 the Secretary;

22 (II) the date on which the redevelopment au-
23 thority notifies the Secretary that it will not submit
24 such a plan;

1 (III) twenty-four months after the date of ap-
2 proval of the closure or realignment of the installa-
3 tion; or

4 (IV) ninety days before the date of the closure
5 or realignment of the installation.

6 (ii) The activities referred to in clause (i) are activi-
7 ties relating to the closure or realignment of an installa-
8 tion to be closed or realigned under this part as follows:

9 (I) The transfer from the installation of items
10 of personal property at the installation identified in
11 accordance with subparagraph (A).

12 (II) The reduction in maintenance and repair of
13 facilities or equipment located at the installation
14 below the minimum levels required to support the
15 use of such facilities or equipment for nonmilitary
16 purposes.

17 (D) Except as provided in paragraph (4), the Sec-
18 retary may not transfer items of personal property located
19 at an installation to be closed or realigned under this part
20 to another installation, or dispose of such items, if such
21 items are identified in the redevelopment plan for the in-
22 stallation. In connection with the development of the rede-
23 velopment plan for the installation, the Secretary shall
24 consult with the entity responsible for developing the rede-
25 velopment plan to identify the items of personal property

1 located at the installation, if any, that the entity desires
2 to be retained at the installation for reuse or development
3 of the installation.

4 (E) This paragraph shall not apply to any personal
5 property located at an installation to be closed or realigned
6 under this part if the property—

7 (i) is required for the operation of a unit, func-
8 tion, component, weapon, or weapons system at an-
9 other installation;

10 (ii) is uniquely military in character, and is
11 likely to have no civilian use (other than use for its
12 material content or as a source of commonly used
13 components);

14 (iii) is not required for the reutilization or rede-
15 velopment of the installation (as jointly determined
16 by the Secretary and the redevelopment authority);

17 (iv) is stored at the installation for purposes of
18 distribution (including spare parts or stock items);
19 or

20 (v)(I) meets known requirements of an author-
21 ized program of another Federal department or
22 agency for which expenditures for similar property
23 would be necessary, and (II) is the subject of a writ-
24 ten request by the head of the department or agen-
25 cy.

1 (F) Notwithstanding subparagraphs (C)(i) and (D),
2 the Secretary may carry out any activity referred to in
3 subparagraph (C)(ii) or (D) if the Secretary determines
4 that the carrying out of such activity is in the national
5 security interest of the United States.

6 (4)(A) The Secretary may transfer real property and
7 personal property located at a military installation to be
8 closed or realigned under this part to the redevelopment
9 authority with respect to the installation.

10 (B)(i)(I) Except as provided in clause (ii), the trans-
11 fer of property under subparagraph (A) may be for consid-
12 eration at or below the estimated fair market value of the
13 property transferred or without consideration. Such con-
14 sideration may include consideration in kind (including
15 goods and services), real property and improvements, or
16 such other consideration as the Secretary considers appro-
17 priate. The Secretary shall determine the estimated fair
18 market value of the property to be transferred under this
19 subparagraph before carrying out such transfer.

20 (II) The Secretary shall prescribe regulations that set
21 forth guidelines for determining the amount, if any, of
22 consideration required for a transfer under this para-
23 graph. Such regulations, shall include a requirement that,
24 in the case of each transfer under this paragraph for con-
25 sideration below the estimated fair market value of the

1 property transferred, the Secretary provide an explanation
2 why the transfer is not for the estimated fair market value
3 of the property transferred (including an explanation why
4 the transfer cannot be carried out in accordance with the
5 authority provided to the Secretary pursuant to paragraph
6 (1) or (2)).

7 (ii) The transfer of property under subparagraph
8 (A)) shall be without consideration in the case of any in-
9 stallation located in a rural area whose closure or realign-
10 ment under this part will have a substantial adverse im-
11 pact (as determined by the Secretary) on the economy of
12 the communities in the vicinity of the installation and on
13 the prospect for the economic recovery of such commu-
14 nities from such closure or realignment. The Secretary
15 shall prescribe in the regulations under clause (i)(II) the
16 manner of determining whether communities are eligible
17 for the transfer of property under this clause.

18 (iii) In the case of a transfer under subparagraph (A)
19 for consideration below the fair market value of the prop-
20 erty transferred, the Secretary may recoup from the trans-
21 feree of such property such portion as the Secretary deter-
22 mines appropriate of the amount, if any, by which the sale
23 or lease of such property by such transferee exceeds the
24 amount of consideration paid to the Secretary for such
25 property by such transferee. The Secretary shall prescribe

1 regulations for determining the amount of recoupment
2 under this clause.

3 (C)(i) The Secretary may transfer real property at
4 an installation approved for closure or realignment under
5 this part (including property at an installation approved
6 for realignment which will be retained by the Department
7 of Defense or another Federal agency after realignment)
8 to the redevelopment authority for the installation if the
9 redevelopment authority agrees to lease, directly upon
10 transfer, one or more portions of the property transferred
11 under this subparagraph to the Secretary or to the head
12 of another department or agency of the Federal Govern-
13 ment. Subparagraph (B) shall apply to a transfer under
14 this subparagraph.

15 (ii) A lease under clause (i) shall be for a term of
16 not to exceed 50 years, but may provide for options for
17 renewal or extension of the term by the department or
18 agency concerned.

19 (iii) A lease under clause (i) may not require rental
20 payments by the United States.

21 (iv) A lease under clause (i) shall include a provision
22 specifying that if the department or agency concerned
23 ceases requiring the use of the leased property before the
24 expiration of the term of the lease, the remainder of the
25 lease term may be satisfied by the same or another depart-

1 ment or agency of the Federal Government using the prop-
2 erty for a use similar to the use under the lease. Exercise
3 of the authority provided by this clause shall be made in
4 consultation with the redevelopment authority concerned.

5 (D)(i) The transfer of personal property under sub-
6 paragraph (A) shall not be subject to the provisions of
7 sections 202 and 203 of the Federal Property and Admin-
8 istrative Services Act of 1949 (40 U.S.C. 483, 484) if the
9 Secretary determines that the transfer of such property
10 is necessary for the effective implementation of a redevel-
11 opment plan with respect to the installation at which such
12 property is located.

13 (ii) The Secretary may, in lieu of the transfer of prop-
14 erty referred to in subparagraph (A), transfer property
15 similar to such property (including property not located
16 at the installation) if the Secretary determines that the
17 transfer of such similar property is in the interest of the
18 United States.

19 (E) The provisions of section 120(h) of the Com-
20 prehensive Environmental Response, Compensation, and
21 Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to
22 any transfer of real property under this paragraph.

23 (F) The Secretary may require any additional terms
24 and conditions in connection with a transfer under this

1 paragraph as such Secretary considers appropriate to pro-
2 tect the interests of the United States.

3 (5)(A) Except as provided in subparagraph (B), the
4 Secretary shall take such actions as the Secretary deter-
5 mines necessary to ensure that final determinations under
6 paragraph (1) regarding whether another department or
7 agency of the Federal Government has identified a use for
8 any portion of a military installation to be closed or re-
9 aligned under this part, or will accept transfer of any por-
10 tion of such installation, are made not later than 6 months
11 after the date of approval of closure or realignment of that
12 installation.

13 (B) The Secretary may, in consultation with the rede-
14 velopment authority with respect to an installation, post-
15 pone making the final determinations referred to in sub-
16 paragraph (A) with respect to the installation for such pe-
17 riod as the Secretary determines appropriate if the Sec-
18 retary determines that such postponement is in the best
19 interests of the communities affected by the closure or re-
20 alignment of the installation.

21 (6)(A) The disposal of buildings and property located
22 at installations approved for closure or realignment under
23 this part shall be carried out in accordance with this para-
24 graph.

1 (B)(i) Not later than the date on which the Secretary
2 of Defense completes the final determinations referred to
3 in paragraph (5) relating to the use or transferability of
4 any portion of an installation covered by this paragraph,
5 the Secretary shall—

6 (I) identify the buildings and property at the
7 installation for which the Department of Defense
8 has a use, for which another department or agency
9 of the Federal Government has identified a use, or
10 of which another department or agency will accept
11 a transfer;

12 (II) take such actions as are necessary to iden-
13 tify any building or property at the installation not
14 identified under subclause (I) that is excess property
15 or surplus property;

16 (III) submit to the Secretary of Housing and
17 Urban Development and to the redevelopment au-
18 thority for the installation (or the chief executive of-
19 ficer of the State in which the installation is located
20 if there is no redevelopment authority for the instal-
21 lation at the completion of the determination de-
22 scribed in the stem of this sentence) information on
23 any building or property that is identified under sub-
24 clause (II); and

1 (IV) publish in the Federal Register and in a
2 newspaper of general circulation in the communities
3 in the vicinity of the installation information on the
4 buildings and property identified under subclause
5 (II).

6 (ii) Upon the recognition of a redevelopment author-
7 ity for an installation covered by this paragraph, the Sec-
8 retary of Defense shall publish in the Federal Register and
9 in a newspaper of general circulation in the communities
10 in the vicinity of the installation information on the rede-
11 velopment authority.

12 (C)(i) State and local governments, representatives of
13 the homeless, and other interested parties located in the
14 communities in the vicinity of an installation covered by
15 this paragraph shall submit to the redevelopment author-
16 ity for the installation a notice of the interest, if any, of
17 such governments, representatives, and parties in the
18 buildings or property, or any portion thereof, at the instal-
19 lation that are identified under subparagraph (B)(i)(II).
20 A notice of interest under this clause shall describe the
21 need of the government, representative, or party concerned
22 for the buildings or property covered by this notice.

23 (ii) The redevelopment authority for an installation
24 shall assist the governments, representatives, and parties

1 referred to in clause (i) in evaluating buildings and prop-
2 erty at the installation for purposes of this subparagraph.

3 (iii) In providing assistance under clause (ii), a rede-
4 velopment authority shall—

5 (I) consult with representatives of the homeless
6 in the communities in the vicinity of the installation
7 concerned; and

8 (II) undertake outreach efforts to provide infor-
9 mation on the buildings and property to representa-
10 tives of the homeless, and to other persons or enti-
11 ties interested in assisting the homeless, in such
12 communities.

13 (iv) It is the sense of the Congress that redevelop-
14 ment authorities should begin to conduct outreach efforts
15 under clause (iii)(II) with respect to an installation as
16 soon as is practicable after the date of approval of closure
17 or realignment of the installation.

18 (D)(i) State and local governments, representatives
19 of the homeless, and other interested parties shall submit
20 a notice of interest to a redevelopment authority under
21 subparagraph (C) not later than the date specified for
22 such notice by the redevelopment authority.

23 (ii) The date specified under clause (i) shall be—

24 (I) in the case of an installation for which a re-
25 development authority has been recognized as of the

1 date of the completion of the determinations referred
2 to in paragraph (5), not earlier than 3 months and
3 not later than 6 months after the date of publication
4 of such determination in a newspaper of general cir-
5 culation in the communities in the vicinity of the in-
6 stallation, as required by section
7 705(b)(6)(D)(iii)(I); and

8 (II) in the case of an installation for which a
9 redevelopment authority is not recognized as such
10 date, not earlier than 3 months and not later than
11 6 months after the date of the recognition of a rede-
12 velopment authority for the installation.

13 (iii) Upon specifying a date for an installation under
14 this subparagraph, the redevelopment authority for the in-
15 stallation shall—

16 (I) publish the date specified and other require-
17 ments for purposes of submitting notices of interest
18 in a newspaper of general circulation in the commu-
19 nities in the vicinity of the installation concerned;
20 and

21 (II) notify the Secretary of Defense of the date.

22 (E)(i) In submitting to a redevelopment authority
23 under subparagraph (C) a notice of interest in the use
24 of buildings or property at an installation to assist the

1 homeless, a representative of the homeless shall submit the
2 following:

3 (I) A description of the homeless assistance
4 program that the representative proposes to carry
5 out at the installation.

6 (II) An assessment of the need for the program.

7 (III) A description of the extent to which the
8 program is or will be coordinated with other home-
9 less assistance programs in the communities in the
10 vicinity of the installation.

11 (IV) A description of the buildings and property
12 at the installation that are necessary in order to
13 carry out the program.

14 (V) A description of the financial plan, the or-
15 ganization, and the organizational capacity of the
16 representative to carry out the program.

17 (VI) An assessment of the time required in
18 order to commence carrying out the program.

19 (ii) A redevelopment authority may not release to the
20 public any information submitted to the redevelopment au-
21 thority under clause (i)(V) without the consent of the rep-
22 resentative of the homeless concerned unless such release
23 is authorized under Federal law and under the law of the
24 State and communities in which the installation concerned
25 is located.

1 (F)(i) The redevelopment authority for each installa-
2 tion covered by this paragraph shall prepare a redevelop-
3 ment plan for the installation. The redevelopment author-
4 ity shall, in preparing the plan, consider the interests in
5 the use to assist the homeless of the buildings and prop-
6 erty at the installation that are expressed in the notices
7 submitted to the redevelopment authority under subpara-
8 graph (C).

9 (ii)(I) In connection with a redevelopment plan for
10 an installation, a redevelopment authority and representa-
11 tives of the homeless shall prepare legally binding agree-
12 ments that provide for the use to assist the homeless of
13 buildings and property, resources, and assistance on or off
14 the installation. The implementation of such agreements
15 shall be contingent upon the decision regarding the dis-
16 posal of the buildings and property covered by the agree-
17 ments by the Secretary of Defense under subparagraph
18 (K) or (L).

19 (II) Agreements under this clause shall provide for
20 the reversion to the redevelopment authority concerned, or
21 to such other entity or entities as the agreements shall
22 provide, of buildings and property that are made available
23 under this paragraph for use to assist the homeless in the
24 event that such buildings and property cease being used
25 for that purpose.

1 (iii) A redevelopment authority shall provide oppor-
2 tunity for public comment on a redevelopment plan before
3 submission of the plan to the Secretary of Defense and
4 the Secretary of Housing and Urban Development under
5 subparagraph (G).

6 (iv) A redevelopment authority shall complete prepa-
7 ration of a redevelopment plan for an installation and sub-
8 mit the plan under subparagraph (G) not later than 9
9 months after the date specified by the redevelopment au-
10 thority for the installation under subparagraph (D).

11 (G)(i) Upon completion of a redevelopment plan
12 under subparagraph (F), a redevelopment authority shall
13 submit an application containing the plan to the Secretary
14 of Defense and to the Secretary of Housing and Urban
15 Development.

16 (ii) A redevelopment authority shall include in an ap-
17 plication under clause (i) the following:

18 (I) A copy of the redevelopment plan, including
19 a summary of any public comments on the plan re-
20 ceived by the redevelopment authority under sub-
21 paragraph (F)(iii).

22 (II) A copy of each notice of interest of use of
23 buildings and property to assist the homeless that
24 was submitted to the redevelopment authority under
25 subparagraph (C), together with a description of the

1 manner, if any, in which the plan addresses the in-
2 terest expressed in each such notice and, if the plan
3 does not address such an interest, an explanation
4 why the plan does not address the interest.

5 (III) A summary of the outreach undertaken by
6 the redevelopment authority under subparagraph
7 (C)(iii)(II) in preparing the plan.

8 (IV) A statement identifying the representatives
9 of the homeless and the homeless assistance plan-
10 ning boards, if any, with which the redevelopment
11 authority consulted in preparing the plan, and the
12 results of such consultations.

13 (V) An assessment of the manner in which the
14 redevelopment plan balances the expressed needs of
15 the homeless and the need of the communities in the
16 vicinity of the installation for economic redevelop-
17 ment and other development.

18 (VI) Copies of the agreements that the redevel-
19 opment authority proposes to enter into under sub-
20 paragraph (F)(ii).

21 (H)(i) Not later than 60 days after receiving a rede-
22 velopment plan under subparagraph (G), the Secretary of
23 Housing and Urban Development shall complete a review
24 of the plan. The purpose of the review is to determine

1 whether the plan, with respect to the expressed interest
2 and requests of representatives of the homeless—

3 (I) takes into consideration the size and nature
4 of the homeless population in the communities in the
5 vicinity of the installation, the availability of existing
6 services in such communities to meet the needs of
7 the homeless in such communities, and the suit-
8 ability of the buildings and property covered by the
9 plan for the use and needs of the homeless in such
10 communities;

11 (II) takes into consideration any economic im-
12 pact of the homeless assistance under the plan on
13 the communities in the vicinity of the installation;

14 (III) balances in an appropriate manner the
15 needs of the communities in the vicinity of the in-
16 stallation for economic redevelopment and other de-
17 velopment with the needs of the homeless in such
18 communities;

19 (IV) was developed in consultation with rep-
20 resentatives of the homeless and the homeless assist-
21 ance planning boards, if any, in the communities in
22 the vicinity of the installation ; and

23 (V) specifies the manner in which buildings and
24 property, resources, and assistance on or off the in-

1 stallation will be made available for homeless assist-
2 ance purposes.

3 (ii) It is the sense of Congress that the Secretary of
4 Housing and Urban Development shall, in completing the
5 review of a plan under this subparagraph, take into con-
6 sideration and be receptive to the predominant views on
7 the plan of the communities in the vicinity of the installa-
8 tion covered by the plan.

9 (iii) The Secretary of Housing and Urban Develop-
10 ment may engage in negotiations and consultations with
11 a redevelopment authority before or during the course of
12 a review under clause (i) with a view toward resolving any
13 preliminary determination of the Secretary that a redevel-
14 opment plan does not meet a requirement set forth in that
15 clause. The redevelopment authority may modify the rede-
16 velopment plan as a result of such negotiations and con-
17 sultations.

18 (iv) Upon completion of a review of a redevelopment
19 plan under clause (i) the Secretary of Housing and Urban
20 Development shall notify the Secretary of Defense and the
21 redevelopment authority concerned of the determination of
22 the Secretary of Housing and Urban Development under
23 that clause.

24 (v) If the Secretary of Housing and Urban Develop-
25 ment determines as a result of such a review that a rede-

1 velopment plan does not meet the requirements set forth
2 in clause (i), a notice under clause (iv) shall include—

3 (I) an explanation of that determination; and

4 (II) a statement of the actions that the redevelop-
5 ment authority must undertake in order to ad-
6 dress that determination.

7 (I)(i) Upon receipt of a notice under subparagraph
8 (H)(iv) of a determination that a redevelopment plan does
9 not meet a requirement set forth in subparagraph (H)(i),
10 a redevelopment authority shall have the opportunity to—

11 (I) revise the plan in order to address the deter-
12 mination; and

13 (II) submit the revised plan to the Secretary of
14 Defense and the Secretary of Housing and Urban
15 Development.

16 (ii) A redevelopment authority shall submit a revised
17 plan under this subparagraph to such Secretaries, if at
18 all, not later than 90 days after the date on which the
19 redevelopment authority receives the notice referred to in
20 clause (i).

21 (J)(i) Not later than 30 days after receiving a revised
22 redevelopment plan under subparagraph (I), the Secretary
23 of Housing and Urban Development shall review the re-
24 vised plan and determine if the plan meets the require-
25 ments set forth in subparagraph (H)(i).

1 (ii) The Secretary of Housing and Urban Develop-
2 ment shall notify the Secretary of Defense and the redevel-
3 opment authority concerned of the determination of the
4 Secretary of Housing and Urban Development under this
5 subparagraph.

6 (K)(i) Upon receipt of a notice under subparagraph
7 (H)(iv) or (J)(ii) of the determination of the Secretary of
8 Housing and Urban Development that a redevelopment
9 plan for an installation meets the requirements set forth
10 in subparagraph (H)(i), the Secretary of Defense shall dis-
11 pose of the buildings and property at the installation.

12 (ii) For purposes of carrying out an environmental
13 assessment of the closure or realignment of an installa-
14 tion, the Secretary of Defense shall treat the redevelop-
15 ment plan for the installation (including the aspects of the
16 plan providing for disposal to State or local governments,
17 representatives of the homeless, and other interested par-
18 ties) as part of the proposed Federal action for the instal-
19 lation.

20 (iii) The Secretary of Defense shall dispose of build-
21 ings and property under clause (i) in accordance with the
22 record of decision or other decision document prepared by
23 the Secretary in accordance with the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In
25 preparing the record of decision or other decision docu-

1 ment, the Secretary shall give substantial deference to the
 2 redevelopment plan concerned.

3 (iv) The disposal under clause (i) of buildings and
 4 property to assist the homeless shall be without consider-
 5 ation.

6 (v) In the case of a request for a conveyance under
 7 clause (i) of buildings and property for public benefit
 8 under section 203(k) of the Federal Property and Admin-
 9 istrative Services Act of 1949 (40 U.S.C. 484(k)) or sec-
 10 tions 47151 through 47153 of title 49, United States
 11 Code, the sponsoring Federal agency shall use the eligi-
 12 bility criteria set forth in such section or such subchapter
 13 (as the case may be) to determine the eligibility of the
 14 applicant and use proposed in the request for the public
 15 benefit conveyance.

16 (L)(i) If the Secretary of Housing and Urban Devel-
 17 opment determines under subparagraph (J) that a revised
 18 redevelopment plan for an installation does not meet the
 19 requirements set forth in subparagraph (H)(i), or if no
 20 revised plan is so submitted, that Secretary shall—

21 (I) review the original redevelopment plan sub-
 22 mitted to that Secretary under subparagraph (G),
 23 including the notice or notices of representatives of
 24 the homeless referred to in clause (ii)(II) of that
 25 subparagraph;

1 (II) consult with the representatives referred to
2 in subclause (I), if any, for purposes of evaluating
3 the continuing interest of such representatives in the
4 use of buildings or property at the installation to as-
5 sist the homeless;

6 (III) request that each such representative sub-
7 mit to that Secretary the items described in clause
8 (ii); and

9 (IV) based on the actions of that Secretary
10 under subclauses (I) and (II), and on any informa-
11 tion obtained by that Secretary as a result of such
12 actions, indicate to the Secretary of Defense the
13 buildings and property at the installation that meet
14 the requirements set forth in subparagraph (H)(i).

15 (ii) The Secretary of Housing and Urban Develop-
16 ment may request under clause (i)(III) that a representa-
17 tive of the homeless submit to that Secretary the following:

18 (I) A description of the program of such rep-
19 resentative to assist the homeless.

20 (II) A description of the manner in which the
21 buildings and property that the representative pro-
22 poses to use for such purpose will assist the home-
23 less.

24 (III) Such information as that Secretary re-
25 quires in order to determine the financial capacity of

1 the representative to carry out the program and to
2 ensure that the program will be carried out in com-
3 pliance with Federal environmental law and Federal
4 law against discrimination.

5 (IV) Such information as the Secretary requires
6 in order to determine that police services, fire pro-
7 tection services, and water and sewer services avail-
8 able in the communities in the vicinity of the instal-
9 lation concerned are adequate for the program.

10 (iii) Not later than 90 days after the date of the re-
11 ceipt of a revised plan for an installation under subpara-
12 graph (J), the Secretary of Housing and Urban Develop-
13 ment shall—

14 (I) notify the Secretary of Defense and the re-
15 development authority concerned of the buildings
16 and property at an installation under clause (i)(IV)
17 that the Secretary of Housing and Urban Develop-
18 ment determines are suitable for use to assist the
19 homeless; and

20 (II) notify the Secretary of Defense of the ex-
21 tent to which the revised plan meets the criteria set
22 forth in subparagraph (H)(i).

23 (iv)(I) Upon notice from the Secretary of Housing
24 and Urban Development with respect to an installation
25 under clause (iii), the Secretary of Defense shall dispose

1 of buildings and property at the installation in consulta-
2 tion with the Secretary of Housing and Urban Develop-
3 ment and the redevelopment authority concerned.

4 (II) For purposes of carrying out an environmental
5 assessment of the closure or realignment of an installa-
6 tion, the Secretary of Defense shall treat the redevelop-
7 ment plan submitted by the redevelopment authority for
8 the installation (including the aspects of the plan provid-
9 ing for disposal to State or local governments, representa-
10 tives of the homeless, and other interested parties) as part
11 of the proposed Federal action for the installation. The
12 Secretary of Defense shall incorporate the notification of
13 the Secretary of Housing and Urban Development under
14 clause (iii)(I) as part of the proposed Federal action for
15 the installation only to the extent, if any, that the Sec-
16 retary of Defense considers such incorporation to be ap-
17 propriate and consistent with the best and highest use of
18 the installation as a whole, taking into consideration the
19 redevelopment plan submitted by the redevelopment au-
20 thority.

21 (III) The Secretary of Defense shall dispose of build-
22 ings and property under subclause (I) in accordance with
23 the record of decision or other decision document prepared
24 by the Secretary in accordance with the National Environ-
25 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In

1 preparing the record of decision or other decision docu-
2 ment, the Secretary shall give deference to the redevelop-
3 ment plan submitted by the redevelopment authority for
4 the installation.

5 (IV) The disposal under subclause (I) of buildings
6 and property to assist the homeless shall be without con-
7 sideration.

8 (V) In the case of a request for a conveyance under
9 subclause (I) of buildings and property for public benefit
10 under section 203(k) of the Federal Property and Admin-
11 istrative Services Act of 1949 (40 U.S.C. 484(k)) or sec-
12 tions 47151 through 47153 of title 49, United States
13 Code, the sponsoring Federal agency shall use the eligi-
14 bility criteria set forth in such section or such subchapter
15 (as the case may be) to determine the eligibility of the
16 applicant and use proposed in the request for the public
17 benefit conveyance.

18 (M)(i) In the event of the disposal of buildings and
19 property of an installation pursuant to subparagraph (K)
20 or (L), the redevelopment authority for the installation
21 shall be responsible for the implementation of and compli-
22 ance with agreements under the redevelopment plan de-
23 scribed in that subparagraph for the installation.

24 (ii) If a building or property reverts to a redevelop-
25 ment authority under such an agreement, the redevelop-

1 ment authority shall take appropriate actions to secure,
2 to the maximum extent practicable, the utilization of the
3 building or property by other homeless representatives to
4 assist the homeless.

5 (N) The Secretary of Defense may postpone or ex-
6 tend any deadline provided for under this paragraph in
7 the case of an installation covered by this paragraph for
8 such period as the Secretary considers appropriate if the
9 Secretary determines that such postponement is in the in-
10 terests of the communities affected by the closure or re-
11 alignment of the installation. The Secretary shall make
12 such determinations in consultation with the redevelop-
13 ment authority concerned and, in the case of deadlines
14 provided for under this paragraph with respect to the Sec-
15 retary of Housing and Urban Development, in consulta-
16 tion with the Secretary of Housing and Urban Develop-
17 ment.

18 (O) For purposes of this paragraph, the term “com-
19 munities in the vicinity of the installation”, in the case
20 of an installation, means the communities that constitute
21 the political jurisdictions (other than the State in which
22 the installation is located) that comprise the redevelop-
23 ment authority for the installation.

24 (P) For purposes of this paragraph, the term “other
25 interested parties”, in the case of an installation, includes

1 any parties eligible for the conveyance of property of the
2 installation under section 203(k) of the Federal Property
3 and Administrative Services Act of 1949 (40 U.S.C.
4 484(k)) or sections 47151 through 47153 of title 49,
5 United States Code, whether or not the parties assist the
6 homeless.

7 (7)(A) Subject to subparagraph (C), the Secretary
8 may enter into agreements (including contracts, coopera-
9 tive agreements, or other arrangements for reimburse-
10 ment) with local governments for the provision of police
11 or security services, fire protection services, airfield oper-
12 ation services, or other community services by such gov-
13 ernments at military installations closed or to be closed
14 or realigned or to be realigned, under this part, if the Sec-
15 retary determines that the provision of such services under
16 such agreements is in the best interests of the Department
17 of Defense.

18 (B) The Secretary may exercise the authority pro-
19 vided under this paragraph without regard to the provi-
20 sions of chapter 146 of title 10, United States Code.

21 (C) The Secretary may not exercise the authority
22 under subparagraph (A) with respect to an installation
23 earlier than 180 days before the date on which the instal-
24 lation is to be closed.

1 (D) The Secretary shall include in a contract for serv-
2 ices entered into with a local government under this para-
3 graph a clause that requires the use of professionals to
4 furnish the services to the extent that professionals are
5 available in the area under the jurisdiction of such govern-
6 ment.

7 (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL
8 POLICY ACT OF 1969.—The provisions of the National
9 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
10 seq.) shall not apply to the actions of the Commission,
11 and, except as provided in paragraph (2), the Department
12 of Defense in carrying out this part.

13 (2)(A) The provisions of the National Environment
14 Policy Act of 1969 shall apply to actions of the Depart-
15 ment of Defense under this part (i) during the process
16 of property disposal, and (ii) during the process of relocat-
17 ing functions from a military installation being closed or
18 realigned to another military installation after the receiv-
19 ing installation has been selected but before the functions
20 are relocated.

21 (B) In applying the provisions of the National Envi-
22 ronmental Policy Act of 1969 to the processes referred
23 to in subparagraph (A), the Secretary of Defense and the
24 Secretary of the military departments concerned shall not
25 have to consider—

1 (i) the need for closing or realigning the mili-
2 tary installation which has been recommended for
3 closure or realignment by the Commission;

4 (ii) the need for transferring functions to any
5 military installation which has been selected as the
6 receiving installation; or

7 (iii) military installations alternative to those
8 recommended or selected.

9 (3) A civil action for judicial review, with respect to
10 any requirement of the National Environmental Policy Act
11 of 1969 to the extent such Act is applicable under para-
12 graph (2), of any act or failure to act by the Department
13 of Defense during the closing, realigning, or relocating of
14 functions referred to in clauses (i) and (ii) of paragraph
15 (2)(A), may not be brought more than 60 days after the
16 date of such act or failure to act.

17 (d) WAIVER.—The Secretary of Defense may close or
18 realign military installations under this part without re-
19 gard to—

20 (1) any provision of law restricting the use of
21 funds for closing or realigning military installations
22 included in any appropriations or authorization Act;
23 and

24 (2) sections 2662 and 2687 of title 10, United
25 States Code.

1 (e) TRANSFER AUTHORITY IN CONNECTION WITH
2 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

3 (1)(A) Subject to paragraph (2) of this subsection and sec-
4 tion 120(h) of the Comprehensive Environmental Re-
5 sponse, Compensation, and Liability Act of 1980 (42
6 U.S.C. 9620(h)), the Secretary may enter into an agree-
7 ment to transfer by deed real property or facilities referred
8 to in subparagraph (B) with any person who agrees to
9 perform all environmental restoration, waste management,
10 and environmental compliance activities that are required
11 for the property or facilities under Federal and State laws,
12 administrative decisions, agreements (including schedules
13 and milestones), and concurrences.

14 (B) The real property and facilities referred to in
15 subparagraph (A) are the real property and facilities lo-
16 cated at an installation closed or to be closed or realigned
17 or to be realigned under this part that are available exclu-
18 sively for the use, or expression of an interest in a use,
19 of a redevelopment authority under subsection (b)(6)(F)
20 during the period provided for that use, or expression of
21 interest in use, under that subsection.

22 (C) The Secretary may require any additional terms
23 and conditions in connection with an agreement author-
24 ized by subparagraph (A) as the Secretary considers ap-
25 propriate to protect the interests of the United States.

1 (2) A transfer of real property or facilities may be
2 made under paragraph (1) only if the Secretary certifies
3 to Congress that—

4 (A) the costs of all environmental restoration,
5 waste management, and environmental compliance
6 activities to be paid by the recipient of the property
7 or facilities are equal to or greater than the fair
8 market value of the property or facilities to be trans-
9 ferred, as determined by the Secretary; or

10 (B) if such costs are lower than the fair market
11 value of the property or facilities, the recipient of
12 the property or facilities agrees to pay the difference
13 between the fair market value and such costs.

14 (3) As part of an agreement under paragraph (1),
15 the Secretary shall disclose to the person to whom the
16 property or facilities will be transferred any information
17 of the Secretary regarding the environmental restoration,
18 waste management, and environmental compliance activi-
19 ties described in paragraph (1) that relate to the property
20 or facilities. The Secretary shall provide such information
21 before entering into the agreement.

22 (4) Nothing in this subsection shall be construed to
23 modify, alter, or amend the Comprehensive Environmental
24 Response, Compensation, and Liability Act of 1980 (42

1 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42
2 U.S.C. 6901 et seq.).

3 (5) Section 330 of the National Defense Authoriza-
4 tion Act for Fiscal Year 1993 (Public Law 102–484; 10
5 U.S.C. 2687 note) shall not apply to any transfer under
6 this subsection to persons or entities described in sub-
7 section (a)(2) of such section 330.

8 (f) TRANSFER AUTHORITY IN CONNECTION WITH
9 CONSTRUCTION OR PROVISION OF MILITARY FAMILY
10 HOUSING.—(1) Subject to paragraph (2), the Secretary
11 may enter into an agreement to transfer by deed real prop-
12 erty or facilities located at or near an installation closed
13 or to be closed, or realigned or to be realigned, under this
14 part with any person who agrees, in exchange for the real
15 property or facilities, to transfer to the Secretary housing
16 units that are constructed or provided by the person and
17 located at or near a military installation at which there
18 is a shortage of suitable housing to meet the requirements
19 of members of the Armed Forces and their dependents.
20 The Secretary may not select real property for transfer
21 under this paragraph if the property is identified in the
22 redevelopment plan for the installation as property essen-
23 tial to the reuse or redevelopment of the installation.

24 (2) A transfer of real property or facilities may be
25 made under paragraph (1) only if—

1 (A) the fair market value of the housing units
2 to be received by the Secretary in exchange for the
3 property or facilities to be transferred is equal to or
4 greater than the fair market value of such property
5 or facilities, as determined by the Secretary; or

6 (B) in the event the fair market value of the
7 housing units is less than the fair market value of
8 property or facilities to be transferred, the recipient
9 of the property or facilities agrees to pay to the Sec-
10 retary the amount equal to the excess of the fair
11 market value of the property or facilities over the
12 fair market value of the housing units.

13 (3) Notwithstanding paragraph (2) of section 706(a),
14 the Secretary may deposit funds received under paragraph
15 (2)(B) in the Department of Defense Family Housing Im-
16 provement Fund established under section 2873(a) of title
17 10, United States Code.

18 (4) The Secretary shall submit to the congressional
19 defense committees a report describing each agreement
20 proposed to be entered into under paragraph (1), includ-
21 ing the consideration to be received by the United States
22 under the agreement. The Secretary may not enter into
23 the agreement until the end of the 30-day period begin-
24 ning on the date the congressional defense committees re-
25 ceive the report regarding the agreement.

1 (5) The Secretary may require any additional terms
2 and conditions in connection with an agreement author-
3 ized by this subsection as the Secretary considers appro-
4 priate to protect the interests of the United States.

5 (g) ACQUISITION OF MANUFACTURED HOUSING.—

6 (1) In closing or realigning any military installation under
7 this part, the Secretary may purchase any or all right,
8 title, and interest of a member of the Armed Forces and
9 any spouse of the member in manufactured housing lo-
10 cated at a manufactured housing park established at an
11 installation closed or realigned under this part, or make
12 a payment to the member to relocate the manufactured
13 housing to a suitable new site, if the Secretary determines
14 that—

15 (A) it is in the best interest of the Federal Gov-
16 ernment to eliminate or relocate the manufactured
17 housing park; and

18 (B) the elimination or relocation of the manu-
19 factured housing park would result in an unreason-
20 able financial hardship to the owners of the manu-
21 factured housing.

22 (2) Any payment made under this subsection shall
23 not exceed 90 percent of the purchase price of the manu-
24 factured housing, as paid by the member or any spouse
25 of the member, plus the cost of any permanent improve-

1 ments subsequently made to the manufactured housing by
2 the member or spouse of the member.

3 (3) The Secretary shall dispose of manufactured
4 housing acquired under this subsection through resale, do-
5 nation, trade or otherwise within one year of acquisition.

6 **SEC. 706. ACCOUNT.**

7 (a) IN GENERAL.—(1) There is hereby established on
8 the books of the Treasury an account to be known as the
9 “Department of Defense Base Closure Account 1998”
10 which shall be administered by the Secretary as a single
11 account.

12 (2) There shall be deposited into the Account—

13 (A) funds authorized for and appropriated to
14 the Account;

15 (B) any funds that the Secretary may, subject
16 to approval in an appropriation Act, transfer to the
17 Account from funds appropriated to the Department
18 of Defense for any purpose, except that such funds
19 may be transferred only after the date on which the
20 Secretary transmits written notice of, and justifica-
21 tion for, such transfer to the congressional defense
22 committees;

23 (C) except as provided in subsection (d), pro-
24 ceeds received from the lease, transfer, or disposal of

1 any property at a military installation closed or re-
2 aligned under this part; and

3 (D) proceeds received after September 30,
4 2001, from the lease, transfer, or disposal of any
5 property at a military installation closed or realigned
6 under the Defense Base Closure and Realignment
7 Act of 1990 (Public Law 101–510; 10 U.S.C. 2687
8 note).

9 (b) USE OF FUNDS.—(1) The Secretary may use the
10 funds in the Account only for the purpose described in
11 section 705, or, after September 30, 2001, for environ-
12 mental restoration and property management and disposal
13 at installations closed or realigned under the Defense Base
14 Closure and Realignment Act of 1990 (Public Law 101–
15 510; 10 U.S.C. 2687 note).

16 (2) When a decision is made to use funds in the Ac-
17 count to carry out a construction project under section
18 705(a) and the cost of the project will exceed the maxi-
19 mum amount authorized by law for a minor military con-
20 struction project, the Secretary shall notify in writing the
21 congressional defense committees of the nature of, and
22 justification for, the project and the amount of expendi-
23 tures for such project. Any such construction project may
24 be carried out without regard to section 2802(a) of title
25 10, United States Code.

1 (c) REPORTS.—(1)(A) No later than 60 days after
2 the end of each fiscal year in which the Secretary carries
3 out activities under this part, the Secretary shall transmit
4 a report to the congressional defense committees of the
5 amount and nature of the deposits into, and the expendi-
6 tures from, the Account during such fiscal year and of
7 the amount and nature of other expenditures made pursu-
8 ant to section 705(a) during such fiscal year.

9 (B) The report for a fiscal year shall include the fol-
10 lowing:

11 (i) The obligations and expenditures from the
12 Account during the fiscal year, identified by sub-
13 account, for each military department and Defense
14 Agency.

15 (ii) The fiscal year in which appropriations for
16 such expenditures were made and the fiscal year in
17 which funds were obligated for such expenditures.

18 (iii) Each military construction project for
19 which such obligations and expenditures were made,
20 identified by installation and project title.

21 (iv) A description and explanation of the extent,
22 if any, to which expenditures for military construc-
23 tion projects for the fiscal year differed from propos-
24 als for projects and funding levels that were included
25 in the justification transmitted to Congress under

1 section 707(1), or otherwise, for the funding propos-
 2 als for the Account for such fiscal year, including
 3 an explanation of—

4 (I) any failure to carry out military con-
 5 struction projects that were so proposed; and

6 (II) any expenditures for military construc-
 7 tion projects that were not so proposed.

8 (2) Unobligated funds which remain in the Account
 9 after the termination of the authority of the Secretary to
 10 carry out a closure or realignment under this part shall
 11 be held in the Account until transferred by law after the
 12 congressional defense committees receive the report trans-
 13 mitted under paragraph (3).

14 (3) No later than 60 days after the termination of
 15 the authority of the Secretary to carry out a closure or
 16 realignment under this part, the Secretary shall transmit
 17 to the congressional defense committees a report contain-
 18 ing an accounting of—

19 (A) all the funds deposited into and expended
 20 from the Account or otherwise expended under this
 21 part; and

22 (B) any amount remaining in the Account.

23 (d) DISPOSAL OR TRANSFER OF COMMISSARY
 24 STORES AND PROPERTY PURCHASED WITH NON-
 25 APPROPRIATED FUNDS.—(1) If any real property or facil-

1 ity acquired, constructed, or improved (in whole or in part)
2 with commissary store funds or nonappropriated funds is
3 transferred or disposed of in connection with the closure
4 or realignment of a military installation under this part,
5 a portion of the proceeds of the transfer or other disposal
6 of property on that installation shall be deposited in the
7 reserve account established under section 204(b)(7)(C) of
8 the Defense Authorization Amendments and Base Closure
9 and Realignment Act (10 U.S.C. 2687 note).

10 (2) The amount so deposited shall be equal to the
11 depreciated value of the investment made with such funds
12 in the acquisition, construction, or improvement of that
13 particular real property or facility. The depreciated value
14 of the investment shall be computed in accordance with
15 regulations prescribed by the Secretary of Defense.

16 (3) The Secretary may use amounts in the account
17 (in such an aggregate amount as is provided in advance
18 in appropriation Acts) for the purpose of acquiring, con-
19 structing, and improving—

20 (A) commissary stores; and

21 (B) real property and facilities for non-
22 appropriated fund instrumentalities.

23 (4) As used in this subsection:

24 (A) The term “commissary store funds” means
25 funds received from the adjustment of, or surcharge

1 on, selling prices at commissary stores fixed under
2 section 2685 of title 10, United States Code.

3 (B) The term “nonappropriated funds” means
4 funds received from a nonappropriated fund instru-
5 mentality.

6 (C) The term “nonappropriated fund instru-
7 mentality” means an instrumentality of the United
8 States under the jurisdiction of the Armed Forces
9 (including the Army and Air Force Exchange Serv-
10 ice, the Navy Resale and Services Support Office,
11 and the Marine Corps exchanges) which is conducted
12 for the comfort, pleasure, contentment, or physical
13 or mental improvement of members of the Armed
14 Forces.

15 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR
16 ENVIRONMENTAL RESTORATION PROJECTS.—Except for
17 funds deposited into the Account under subsection (a),
18 funds appropriated to the Department of Defense may not
19 be used for purposes described in section 705(a)(1)(C).
20 The prohibition in this subsection shall expire upon the
21 termination of the authority of the Secretary to carry out
22 a closure or realignment under this part.

23 **SEC. 707. REPORTS.**

24 As part of the budget request for the Department of
25 Defense for fiscal year 2005 and for each fiscal year there-

1 after in which the Secretary carries out activities under
2 this part, the Secretary shall transmit to the congressional
3 defense committees of Congress—

4 (1) a schedule of the closure and realignment
5 actions to be carried out under this part in the fiscal
6 year for which the request is made and an estimate
7 of the total expenditures required and cost savings
8 to be achieved by each such closure and realignment
9 and of the time period in which these savings are to
10 be achieved in each case, together with the Sec-
11 retary's assessment of the environmental effects of
12 such actions; and

13 (2) a description of the military installations,
14 including those under construction and those
15 planned for construction, to which functions are to
16 be transferred as a result of such closures and re-
17 alignments, together with the Secretary's assessment
18 of the environmental effects of such transfers.

19 **SEC. 708. CONGRESSIONAL CONSIDERATION OF COMMIS-**
20 **SION REPORT.**

21 (a) **TERMS OF THE RESOLUTION.**—For purposes of
22 section 704(b), the term “joint resolution” means only a
23 joint resolution which is introduced within the 10-day pe-
24 riod beginning on the date on which the President trans-

1 mits the report to the Congress under section 703(e),
2 and—

3 (1) which does not have a preamble;

4 (2) the matter after the resolving clause of
5 which is as follows: “That Congress disapproves the
6 recommendations of the Defense Base Closure and
7 Realignment Commission as submitted by the Presi-
8 dent on _____”, the blank space being filled in
9 with the appropriate date; and

10 (3) the title of which is as follows: “Joint reso-
11 lution disapproving the recommendations of the De-
12 fense Base Closure and Realignment Commission.”.

13 (b) REFERRAL.—A resolution described in subsection
14 (a) that is introduced in the House of Representatives
15 shall be referred to the Committee on National Security
16 of the House of Representatives. A resolution described
17 in subsection (a) introduced in the Senate shall be referred
18 to the Committee on Armed Services of the Senate.

19 (c) DISCHARGE.—If the committee to which a resolu-
20 tion described in subsection (a) is referred has not re-
21 ported such a resolution (or an identical resolution) by the
22 end of the 20-day period beginning on the date on which
23 the President transmits the report to the Congress under
24 section 703(e), such committee shall be, at the end of such
25 period, discharged from further consideration of such reso-

1 lution, and such resolution shall be placed on the appro-
2 priate calendar of the House involved.

3 (d) CONSIDERATION.—(1) On or after the third day
4 after the date on which the committee to which such a
5 resolution is referred has reported, or has been discharged
6 (under subsection (c)) from further consideration of, such
7 a resolution, it is in order (even though a previous motion
8 to the same effect has been disagreed to) for any Member
9 of the respective House to move to proceed to the consider-
10 ation of the resolution. A Member may take the motion
11 only on the day after the calendar day on which the Mem-
12 ber announces to the House concerned the Member's in-
13 tention to make the motion, except that, in the case of
14 the House of Representatives, the motion may be made
15 without such prior announcement if the motion is made
16 by direction of the committee to which the resolution was
17 referred. The motion is highly privileged in the House of
18 Representatives and is privileged in the Senate and is not
19 debatable. The motion is not subject to amendment, or
20 to a motion to postpone, or to a motion to proceed to the
21 consideration of other business. A motion to reconsider the
22 vote by which the motion is agreed to or disagreed to shall
23 not be in order. If a motion to proceed to the consideration
24 of the resolution is agreed to, the respective House shall
25 immediately proceed to consideration of the joint resolu-

1 tion without intervening motion, order, or other business,
2 and the resolution shall remain the unfinished business of
3 the respective House until disposed of.

4 (2) Debate on the resolution, and on all debatable
5 motions and appeals in connection therewith, shall be lim-
6 ited to not more than 2 hours, which shall be divided
7 equally between those favoring and those opposing the res-
8 olution. An amendment to the resolution is not in order.
9 A motion further to limit debate is in order and not debat-
10 able. A motion to postpone, or a motion to proceed to the
11 consideration of other business, or a motion to recommit
12 the resolution is not in order. A motion to reconsider the
13 vote by which the resolution is agreed to or disagreed to
14 is not in order.

15 (3) Immediately following the conclusion of the de-
16 bate on a resolution described in subsection (a) and a sin-
17 gle quorum call at the conclusion of the debate if re-
18 quested in accordance with the rules of the appropriate
19 House, the vote on final passage of the resolution shall
20 occur.

21 (4) Appeals from the decisions of the Chair relating
22 to the application of the rules of the Senate or the House
23 of Representatives, as the case may be, to the procedure
24 relating to a resolution described in subsection (a) shall
25 be decided without debate.

1 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-
 2 fore the passage by one House of a resolution of that
 3 House described in subsection (a), that House receives
 4 from the other House a resolution described in subsection
 5 (a), then the following procedures shall apply:

6 (A) The resolution of the House shall not be re-
 7 ferred to a committee and may not be considered in
 8 the House receiving it except in the case of final
 9 passage as provided in subparagraph (B)(ii).

10 (B) With respect to a resolution in subsection
 11 (a) of the House receiving the resolution—

12 (i) the procedure in that House shall be
 13 the same as if no resolution had been received
 14 from the other House; but

15 (ii) the vote on final passage shall be on
 16 the resolution of the other House.

17 (2) Upon disposition of the resolution received from
 18 the other House, it shall no longer be in order to consider
 19 the resolution that originated in the receiving House.

20 (f) RULES OF THE SENATE AND HOUSE.—This sec-
 21 tion is enacted by Congress—

22 (1) as an exercise of the rule making power of
 23 the Senate and House of Representatives, respec-
 24 tively, and as such it is deemed a part of the rules
 25 of each House, respectively, but applicable only with

1 respect to the procedure to be followed in that
2 House in the case of a resolution described in sub-
3 section (a), and it supersedes other rules only to the
4 extent that it is inconsistent with such rules; and

5 (2) with full recognition of the constitutional
6 right of either House to change the rules (so far as
7 relating to the procedure of that House) at any time,
8 in the same manner, and to the same extent as in
9 the case of any other rule of that House.

10 **SEC. 709. RESTRICTION ON OTHER BASE CLOSURE AU-**
11 **THORITY.**

12 (a) IN GENERAL.—Except as provided in subsection
13 (c), during the period beginning on the date of the enact-
14 ment of this Act and ending on December 31, 2005, this
15 part shall be the exclusive authority for selecting for clo-
16 sure or realignment, or for carrying out any closure or
17 realignment of, a military installation inside the United
18 States.

19 (b) RESTRICTION.—Except as provided in subsection
20 (c), none of the funds available to the Department of De-
21 fense may be used, other than under this part, during the
22 period specified in subsection (a)—

23 (1) to identify, through any transmittal to the
24 Congress or through any other public announcement
25 or notification, any military installation inside the

1 United States as an installation to be closed or re-
2 aligned or as an installation under consideration for
3 closure or realignment; or

4 (2) to carry out any closure or realignment of
5 a military installation inside the United States.

6 (c) EXCEPTION.—Nothing in this part affects the au-
7 thority of the Secretary to carry out—

8 (1) closures and realignments under title II of
9 Public Law 100–526;

10 (2) closures and realignments under Public Law
11 101–510; and

12 (3) closures and realignments to which section
13 2687 of title 10, United States Code, is not applica-
14 ble, including closures and realignments carried out
15 for reasons of national security or a military emer-
16 gency referred to in subsection (c) of such section.

17 **SEC. 710. DEFINITIONS.**

18 As used in this part:

19 (1) The term “Account” means the Department
20 of Defense Base Closure Account 1998 established
21 by section 706(a)(1).

22 (2) The term “congressional defense commit-
23 tees” means the Committee on Armed Services and
24 the Committee on Appropriations of the Senate and
25 the Committee on National Security and the Com-

1 mittee on Appropriations of the House of Represent-
2 atives.

3 (3) The term “Commission” means the Com-
4 mission established by section 702.

5 (4) The term “military installation” means a
6 base, camp, post, station, yard, center, homeport fa-
7 cility for any ship, or other activity under the juris-
8 diction of the Department of Defense, including any
9 leased facility. Such term does not include any facil-
10 ity used primarily for civil works, rivers and harbors
11 projects, flood control, or other projects not under
12 the primary jurisdiction or control of the Depart-
13 ment of Defense.

14 (5) The term “realignment” includes any action
15 which both reduces and relocates functions and civil-
16 ian personnel positions but does not include a reduc-
17 tion in force resulting from workload adjustments,
18 reduced personnel or funding levels, or skill imbal-
19 ances.

20 (6) The term “Secretary” means the Secretary
21 of Defense.

22 (7) The term “United States” means the 50
23 States, the District of Columbia, the Commonwealth
24 of Puerto Rico, Guam, the Virgin Islands, American

1 Samoa, and any other commonwealth, territory, or
2 possession of the United States.

3 (8) The term “date of approval”, with respect
4 to a closure or realignment of an installation, means
5 the date on which the authority of Congress to dis-
6 approve a recommendation of closure or realign-
7 ment, as the case may be, of such installation under
8 this part expires.

9 (9) The term “redevelopment authority”, in the
10 case of an installation to be closed or realigned
11 under this part, means any entity (including an en-
12 tity established by a State or local government) rec-
13 ognized by the Secretary of Defense as the entity re-
14 sponsible for developing the redevelopment plan with
15 respect to the installation or for directing the imple-
16 mentation of such plan.

17 (10) The term “redevelopment plan” in the
18 case of an installation to be closed or realigned
19 under this part, means a plan that—

20 (A) is agreed to by the local redevelopment
21 authority with respect to the installation; and

22 (B) provides for the reuse or redevelop-
23 ment of the real property and personal property
24 of the installation that is available for such

1 reuse and redevelopment as a result of the clo-
2 sure or realignment of the installation.

3 (11) The term “representative of the homeless”
4 has the meaning given such term in section
5 501(i)(4) of the Stewart B. McKinney Homeless As-
6 sistance Act (42 U.S.C. 1141(i)(4)).

7 **SEC. 711. CONFORMING AMENDMENT.**

8 All authorities provided to the Secretary of Defense
9 with respect to installations closed or to be closed pursu-
10 ant to the Defense Base Closure and Realignment Act of
11 1990 (Public Law 101–510, as amended; 10 U.S.C. 2687
12 note), shall apply to the same extent to installations re-
13 aligned or to be realigned pursuant to the Defense Base
14 Closure and Realignment Act of 1990 (Public Law 101–
15 510, as amended; 10 U.S.C. 2687 note).

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